

ORDINANCE 2018-12-13-1022

**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 APRIL 1, 2019 AND TERMINATING MARCH 31, 2021, UNDER THE SAME TERMS AND CONDITIONS.**

\* \* \* \* \*

**WHEREAS**, pursuant to Ordinance No. 2016-03-31-0232 passed and approved March 31, 2016, 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 April 1, 2016, and ending March 31, 2019, 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 April 1, 2019, and ending March 31, 2021, 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:**

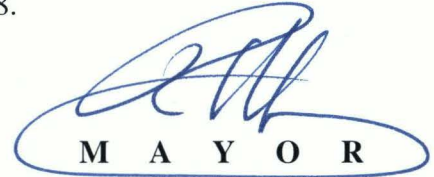
**SECTION 1.** The extension of the Contract, to provide for one (1) additional two (2) year term commencing April 1, 2019, and ending March 31, 2021, upon the same terms and conditions, is hereby approved.

**SECTION 2.** The City Manager, or her designee, or the Deputy Chief Financial Officer 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 3.** There is no fiscal language required in connection with the adoption of this Ordinance.

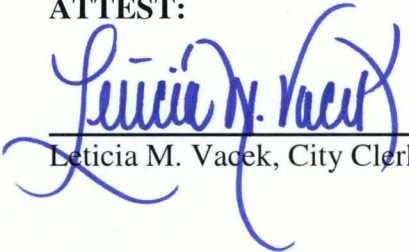
**SECTION 4.** This Ordinance is effective immediately upon passage by eight (8) affirmative votes; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

**PASSED AND APPROVED** this 13<sup>th</sup> day of December, 2018.



**M A Y O R**  
Ron Nirenberg

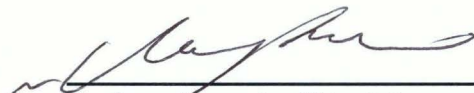
**ATTEST:**



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Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**



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Andrew Segovia, City Attorney

<b>Agenda Item:</b>	30 ( in consent vote: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15A, 15B, 16A, 16B, 16C, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49A, 49B, 50A, 50B, 50C, 51A, 51B, 51C, 52, Z-1, 53, Z-2 )						
<b>Date:</b>	12/13/2018						
<b>Time:</b>	11:10:11 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	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 for a two (2) year term commencing April 1, 2019 and terminating March 31, 2021, under the same terms and conditions. [Ben Gorzell, Jr., Chief Financial Officer, Troy Elliott, Deputy Chief Financial Officer]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				
William Cruz Shaw	District 2		x				x
Rebecca Viagran	District 3		x			x	
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8	x					
John Courage	District 9		x				
Clayton H. Perry	District 10		x				

**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 Deputy Chief Financial Officer pursuant to Ordinance No. 2018-12-13-\_\_\_\_ (the Ordinance”), passed and approved December 13, 2018, 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. 2016-03-31-0232 passed and approved March 31, 2016, City and Consultant have entered into an *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 April 1, 2016, and ending March 31, 2019, 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 April 1, 2019 and ending March 31, 2021, 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 December, 2018, to be effective on April 1, 2019.

**CITY:**  
CITY OF SAN ANTONIO

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

BY: \_\_\_\_\_  
Troy Elliott, CPA  
Deputy Chief Financial Officer

BY: \_\_\_\_\_  
Terence P. Burke  
Managing Director

Approved as to form:

\_\_\_\_\_  
Robert Nordhaus  
Assistant City Attorney