



# TACOMA HOUSING AUTHORITY

## RESOLUTION 2013-7-24 (1)

**Date:** July 24, 2013  
**To:** THA Board of Commissioners  
**From:** Michael Mirra  
Executive Director  
**Re:** Foster Pepper PLLC - Legal Services

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### **Background**

On January 30, 2012, THA entered into a Contract for Legal Services with Foster Pepper, PLLC. The contract stipulates that each engagement under the contract will require a Letter of Engagement (LOE) detailing the Scope of Work and associated fees for services. Section 2.1 of the Contract also indicates that the contract amount "shall not exceed \$100,000 unless approved by the board of commissioners.

On February 22, 2012 the Board of Commissioners approved Resolution Number 2012-2-22 (4) authorizing to change the January 30, 2012 contract with Foster Pepper, PLLC to increase its not to exceed amount from \$100,000 to \$250,000. The Scope of Work included engaging Foster Pepper, PLLC and Ballard Spahr to provide legal counsel relating to the financing of the Hillside Terrace Phase - I redevelopment. Foster Pepper, PLLC provided services for the LIHTC Tax Credit and Bond counsel and Ballard Spahr (Sub-Consultant to Foster Pepper) provided counsel relating to HUD transactions. Due to the delay in closing the final legal service fee is for Hillside Terrace Phase 1 is \$325,000 with Foster Pepper PLLC. This is an increase of \$75,000 from the \$250,000.

In addition, the following projects requiring legal services will increase the total contract amount by:

Legal General for Meth assistance	\$ 50,000
LASA	\$ 55,000
New Look	\$ 40,000
Stewart Court	\$ 10,000
Brown Star Grill	\$ 25,000
Citibank/Area 3 land sales	\$ 52,000
Legal General misc.	\$ 5,000
Total	\$237,000

**Recommendation**

Approve Resolution 2013-7-24 (1) authorizing and directing the Executive Director or his designee to change the January 30, 2012 contract with Foster Pepper, PLLC, to increase its not to exceed amount from \$250,000 to \$562,000. This will allow the executive director to sign a Letters of Engagements with Foster Pepper, PLLC up to the total amount of \$562,000.



# TACOMA HOUSING AUTHORITY

## RESOLUTION 2013-7-24 (1) (Foster Pepper PLLC - Legal Services)

A RESOLUTION of the Board of Commissioners of the Housing Authority of the City of Tacoma

**Whereas,** The Housing Authority of the City of Tacoma (the "Authority") seeks to encourage the provision of long-term housing for low income persons residing within the City of Tacoma, Washington;

**Whereas,** RCW 35.82.070(2) provides that a housing authority may "prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof...";

**Whereas,** The Authority has procured and entered into a contract with Foster Pepper, PLLC for legal services on January 30, 2012. The contract stipulates that each engagement will require a Letter of Engagement (LOE) and the contract shall not exceed \$100,000 unless approved by THA's board of commissioners;

**Whereas,** on February 22, 2012 the Board of Commissioners authorized the increase of the LOE with Foster Pepper, PLLC to provide legal counsel for Hillside Terrace Phase I in the amount not to exceed \$250,000,

**Whereas,** due to delays in closing due to the Value Engineering effort, the extensive HUD legal review due to THA's MTW designation, the community center grant and the related complexities in the deal structure the legal fees exceeded the LOE amount by \$75,000;


**Whereas,** The Foster Pepper, PLLC, January 30, 2012 contract requires amendment and shall not exceed \$325,000 for Hillside Terrace Phase I;

**Whereas,** THA will need legal services for several additional projects in the amount not to exceed of \$237,000;

**Resolved by the Board of Commissioners of the Housing Authority of the City of Tacoma, Washington as follows:**

1. The Executive Director or his designee is authorized to amend the January 30, 2012 contact with Foster Pepper, PLLC, to increase its not to exceed amount from \$250,000 to \$562,000.

Approved: July 24, 2013

  
Janis Flauding, Chair