

## **Parker Pool – Legal Counsel Opinion on use of 2013 Bond Funds**

**From:** Binford, Clay [<mailto:cbinford@fulbright.com>]  
**Sent:** Wednesday, May 01, 2013 6:29 PM  
**To:** Constance Sanchez; Kuhn, Jeffrey  
**Cc:** Carlos Valdez  
**Subject:** RE: Bond funds - your question re: Parker Pool

Constance – I agree with your general analysis. This would be a “priority project” under the Proposition 4 language that identifies “Community Park Development and Improvements” and “Aquatic Facilities” as categories of specific park projects that are to be targeted with the \$16MM in funds. I would also say that it is an authorized expenditure under either of these categories with any savings that you might have in the other three categories of “priority” parks projects. This position is qualified somewhat by the City’s information brochure, however, as further described below.

Regarding the two categories providing direct authority, the informational brochure states that two specific pools and “other” City pools will be renovated with approximately \$3.5MM of this authorized \$16MM. After addressing the two specifically identified pools (Collier and West Guth), Parker can certainly be addressed with remaining funds out of this \$3.5MM. Parker is listed as a specific park under the Community Park Development and Improvements category, to which \$5MM of the \$16MM has been allocated, but I am less confident in avoiding controversy if you pull from this category, as the brochure focuses on other park improvements (including irrigation). I am hesitant to say Parker Pool is clearly an authorized expense out of this category, when it fits so nicely in the one described above.

I hope this addresses your inquiry. Call me if you wish to discuss further.

**Clay Binford, Partner**

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