



## California Public Transactions

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Burke's California public transactions lawyers specialize in providing legal advice and representation to governmental agencies in connection with complex financial transactions, including bond issuances, public-private partnerships, and other types of public project financing. Our attorneys work closely with public agencies and other entities to structure and execute financing transactions that support public projects and initiatives while ensuring compliance with applicable laws and regulations.

We play a critical role in helping public agencies and other entities secure the funding they need to finance infrastructure projects, public works projects, and other initiatives that benefit the public. Among other things, our public transactions team advises on legal matters related to financing and financial transactions including bond structuring, disclosure requirements, tax considerations, and other issues that affect public finance.

### **Public Asset Acquisition, Investment, and Disposition**

Burke's California public transactions attorneys are experienced at navigating public agency clients through the complex landscape of public asset acquisition, investment, and disposition transactions. These services encompass a wide range of activities, from conducting thorough due diligence to ensure compliance with regulations and assessing potential risks, to structuring strategic agreements that facilitate the acquisition or disposition process. Burke attorneys possess a nuanced understanding of both the legal intricacies and the unique dynamics of the real estate market. Our California public

transactions attorneys are instrumental in guiding our local government clients through the complexities of real property acquisition and disposition. Burke attorneys play a vital role in due diligence, assessing environmental factors, and evaluating risk and liabilities to safeguard the municipality's interests. Burke attorneys collaborate with our public agency client officials to structure agreements that align with the community's long-term goals and interests. Whether it involves negotiating contracts, navigating the disposition of former redevelopment agency assets, assisting with former military base re-use projects, or guiding our clients through Surplus Land Act compliance, our services facilitate well-informed decisions that optimize the use of public assets while safeguarding our client agencies' legal standing and financial well-being.

### **Public Finance and Refinancing**

Burke public law attorneys provide issuer representation on public finance and refinancing transactions, assisting our municipal debt issuing clients to ensure transparent and compliant transactions. Our California public transactions attorneys collaborate with bond counsel, financial advisors, special tax consultants, and other financing participants throughout the entire process, from the initial structuring of debt instruments to the execution of the transactions. Burke attorneys play a pivotal role in ensuring procedural compliance and safeguarding our municipal clients' interests. The issuer representation services provided by our California public transactions attorneys contribute to the fiscal health of our municipal clients, enabling them to fund essential projects and infrastructure while maintaining the highest standards of legal and financial integrity.

### **Public Facilities and Infrastructure Procurement and Financing**

Burke's public procurement attorneys offer vital experience in navigating the intricate legal landscape of public procurement and infrastructure project financing. Burke attorneys assist local governments in crafting effective procurement strategies, guiding them through the challenges of contract negotiation, bidding processes, and vendor selection. Burke's legal professionals ensure compliance with regulatory requirements, environmental standards, and zoning laws, minimizing potential legal pitfalls. Moreover, they play an essential role in structuring financing arrangements, whether through bonds, public-private partnerships, loans, or grants, ensuring the financial arrangements align with the client's long-term objectives. Burke's comprehensive public procurement and infrastructure financing legal guidance enables our municipal clients to deliver improved public facilities and infrastructure, fostering economic

growth, enhancing the quality of life, and creating sustainable communities.

### **Affordable Housing Projects**

Burke's California public transactions attorneys represent public agencies and both private and nonprofit housing developers in all aspects of affordable housing development and financing, and in the development and implementation of affordable housing programs and policies. Collectively, we have assisted in the development of thousands of units of affordable housing in California in developments funded with state and federal low-income housing tax credits, taxable and tax-exempt bond proceeds, local housing trust fund monies, redevelopment tax increment and housing successor funds, project-based Section 8 and VASH vouchers, CDBG, HOME, funds provided by the California Department of Housing and Community Development, conventional loans, and other sources.

We have represented and advised housing authorities, cities, counties, and former redevelopment agencies in connection with complex real estate and affordable housing transactions, including the acquisition, development, rehabilitation and disposition of property via purchase and sale and ground leases. In addition, our team provides expertise in land use matters, environmental remediation, public bidding and procurement, and in the negotiation and drafting development agreement, architect's agreements and construction contracts. Burke Construction Law attorneys often supplement the public transactions team with their applied expertise in procurement requirements and construction contracts. Finally, Burke Land Use law attorneys provide expertise in all aspects of land use entitlements for affordable housing projects.

### **Public-Private Partnerships**

Burke's public procurement attorneys are also experienced in providing municipalities representation with public-private partnerships (PPPs). Burke's attorneys assist local governments to navigate the complexities of forming partnerships with private entities to develop and deliver essential public infrastructure and facilities. Burke's legal professionals ensure that PPP agreements adhere to applicable laws, regulations, and transparency standards, safeguarding the public agency's interests. Burke lawyers guide our municipal clients through contract negotiations, risk assessments, and dispute resolution mechanisms, ensuring balanced terms for our clients. Burke legal guidance with PPPs assists our public agency clients to foster innovation, accelerate project delivery, and create

lasting benefits for their communities by harnessing the strengths of both the public and private sectors.

### **Fees, Assessments, and Exactions**

Burke's California public transactions attorneys have broad experience with advising public agency clients on fees, assessments, and exactions, including the Mitigation Fee Act, the various assessment district statutes, and the case law interpreting land use exaction law. Burke attorneys provide our public agency clients invaluable guidance in developing and implementing fee structures, special assessments, and land use exactions. They ensure that the mechanisms, and consultant reports and analysis, are legally sound and compliant with relevant laws, protecting against potential legal challenges. Burke public law attorneys also aid in establishing clear processes for determining fees and assessments, advise on the permissible uses of collected funds, and guide municipalities through the adoption procedures. By guiding public agency clients through the intricate legal web to develop, adopt, and implement fees, exactions and assessments, Burke attorneys assist client agencies to generate the necessary financial resources to enhance public infrastructure, promote community development, and provide essential services while upholding the principles of transparency and legality.

### **Negotiation and Drafting Public Transaction Documents**

Our California public transactions attorneys negotiate and draft transactional documents in a variety of contexts. We partner with municipal agency clients to help them achieve business and transactional objectives by providing legal and practical solutions to avoid financial, regulatory, or other risk management issues. Burke public transaction attorneys are highly experienced in negotiating and drafting a wide range of documents; including purchase and sale agreements, commercial leases, licenses agreements, and project development agreements. We closely advise clients to specifically identify the unique goals for a given transaction, and then follow-through with drafting clear and effective documents that accurately reflect the parties' intentions so as to establish a solid foundation for a successful transaction.

Burke Real Estate and Land Use attorneys assist public agency and private clients with complex transactions including negotiation and documentation of ground leases, easements, foreclosures, public trust and tidelands transactions, surplus lands dispositions, workouts and secured transactions. Our California Public Transactions Team also assists with related matters such as title insurance review, due diligence, environmental risk allocation, and hazardous materials. We

advise clients on all stages of the land use approval process including updating general plans, specific plans, and zoning codes.