

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R-03971

ADOPTED ON NOVEMBER 15, 2005

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE FIFTH AMENDMENT TO THE AGREEMENT WITH KANE, BALLMER & BERKMAN FOR SPECIAL LEGAL COUNSEL SERVICES.

WHEREAS, in July 2001, the Agency issued a Request for Qualifications for Legal Service seeking outside counsel with specific expertise in the area of redevelopment law;

WHEREAS, in December 2001, the Agency and Kane, Ballmer & Berkman (Special Counsel) entered into an Agreement for Special Counsel to provide legal services to the Agency in the area of redevelopment law;

WHEREAS, the Agency approved the Agreement between the Agency and Special Counsel pursuant to Resolution No. R-3413 adopted on December 3, 2001;

WHEREAS, a Scope of Services was executed between the parties to the Agreement with compensation not to exceed the amount of \$1,500,000; and

WHEREAS, the Agency approved the First Amendment to the Agreement pursuant to Resolution No. R-3674 adopted on September 2, 2003; and;

WHEREAS, the Agency approved the Second Amendment to the Agreement pursuant to Resolution No. R-3814 adopted on September 14, 2004; and

WHEREAS, the Agency approved the Third Amendment to the Agreement pursuant to Resolution No. R-03935 adopted on June 21, 2005; and

WHEREAS, the Agency approved the Fourth Amendment to the Agreement pursuant to Resolution No. R-03946 adopted on August 2, 2005; and

WHEREAS, the Agency now wishes to enter into the Fifth Amendment to the Agreement; NOW THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, that the Executive Director of the Agency, or designee, is authorized and empowered to executed, for and on behalf of the Agency, the Fifth Amendment to the Agreement with Kane, Ballmer & Berkman for special legal counsel services, under the terms and conditions set forth in the Fifth Amendment to the Agreement, a copy of which is on file in the office of the Secretary to the Agency as Document No. D-03971.

BE IT FURTHER RESOLVED, that an expenditure of an amount not to exceed \$450,000 on an as-needed basis is authorized by the Fifth Amendment to the Agreement solely and exclusively for the purpose of providing funding of the agreement with Kane, Ballmer & Berkman.

BE IT FURTHER RESOLVED, that the total expenditures for the Agreement shall not exceed \$2,972,860.

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By \_\_\_\_\_  
Susan Y. Cola  
Deputy General Counsel

SYC:kat  
10/18/05  
Or.Dept: Redev. Agency  
RA-2006-38