

RA Item # 2  
Item 1  
RA metg 9/2/08  
(RA-2009-11)

REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04322

DATE OF FINAL PASSAGE SEP 10 2008

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO AUTHORIZING THE SECOND  
AMENDMENT TO THE AGREEMENT WITH OPPER &  
VARCO LLC FOR LEGAL SERVICES.

WHEREAS, in May 2006, the Redevelopment Agency of the City of San Diego  
[Agency] issued a Request for Qualifications for Legal Services seeking outside counsel with  
specific expertise in the area of environmental law and hazardous substances liability; and

WHEREAS, in August 2006, the Agency and Legal Counsel entered into an Agreement  
for legal services in the area of environmental law and hazardous substances liability with total  
compensation in the amount of \$250,000.; and

WHEREAS, in March 2008 the Agency and Legal Counsel entered into a First  
Amendment to the Agreement to increase the compensation amount by \$200,000 for a maximum  
compensation of \$450,000; and

WHEREAS, the Agency wishes to provide additional funding for continued legal  
services provided by Legal Counsel for environmental law and hazardous substances liability  
through August, 2009; NOW, THEREFORE,

BE IT RESOLVED by the Redevelopment Agency of the City of San Diego as follows:

1. That the Second Amendment to the Agreement with Opper & Varco LLC is  
approved;

2. That the total compensation under the Second Amendment to the Agreement is increased by \$135,000 for a total compensation not to exceed \$585,000, provided the City Auditor first furnishes a certificate that funds are, or will be, on deposit in the City Treasury;

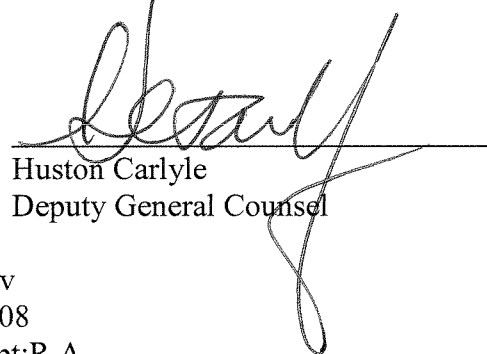
3. That all other terms of the agreement remain unchanged.

4. That the Executive Director of the Agency, or designee, is authorized and empowered to execute the Second Amendment to the Agreement, for and on behalf of the Agency, and to administer the Agency's obligations, responsibilities, and duties to be performed under the agreement; D-04322

5. That this activity is not a "project" and is therefore exempt from the California Environmental Quality Act [CEQA] pursuant to CEQA Guidelines Section 15060(c)(3).

MICHAEL J. AGUIRRE, General Counsel

By

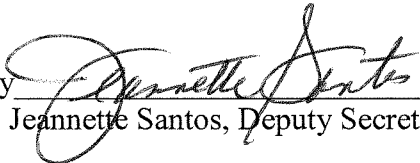


Huston Carlyle  
Deputy General Counsel

HC:pev  
08/04/08  
Or.Dept:R.A.  
Aud.Cert:2900125  
RA-2009-11  
MMS#6605

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of SEP 02 2008.

REDEVELOPMENT AGENCY

By   
Jeannette Santos, Deputy Secretary

Approved: 9-10-08  
(date)

  
JERRY SANDERS, Executive Director

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Executive Director

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

AC 2900125  
DEPT. \_\_\_\_\_  
NO.: 10275

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ By: Francisco J Lopez  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$135,000.00

Vendor: Opper & Varco, LLC

Purpose: 2nd amendment for legal services in the area of environmental law to several redevelopment agency's project areas.

Date: August 14, 2008 By: Francisco J Lopez  
AUDITOR AND COMPTROLLER'S DEPARTMENT

*for*  8/20/08

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
		See Attached								
TOTAL AMOUNT										

FUND OVERRIDE

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	4614	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	98900	98900	2001	4141	002001				\$20,000.00
02	0	98200	9823	2001	4141	002001				50,000.00
03	0	98050	9774	2001	4141	002001				5,000.00
04	0	98070	98074	2001	4141	002001				15,000.00
05	0	98300	98304	2001	4141	002001				10,000.00
06	0	98500	97152	2001	4141	002001				5,000.00
07	0	98250	982502	2001	4141	002001				15,000.00
08	0	98570	98570	2001	4141	002001				15,000.00
TOTAL AMOUNT										\$135,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

Passed by the Redevelopment Agency of The City of San Diego on SEP 02 2008, by the following vote:

Agency Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

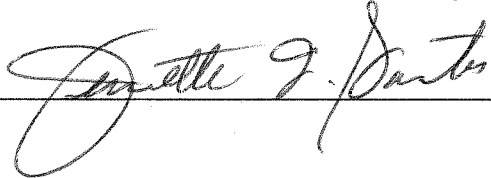
Date of final passage SEP 10 2008

AUTHENTICATED BY:

JERRY SANDERS  
Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
Secretary of The City of San Diego, California.

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R-04322