

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04393

DATE OF FINAL PASSAGE MAY 04 2009

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

WHEREAS, in 2006, the Office of the City Attorney and the Redevelopment Agency of the City of San Diego [Agency] issued a Request for Qualifications [RFQ] for Special Legal Counsel Services for the Agency; and

WHEREAS, in March of 2007, the Agency and the law firm of Kane, Ballmer & Berkman entered into a three-year agreement [Agreement] for the provision of special legal services to the Agency with compensation to Kane, Ballmer & Berkman in an amount not to exceed One Million Eight Hundred Ninety Thousand Dollars (\$1,890,000); and

WHEREAS, the Agency adopted the Agreement on April 2, 2007, pursuant to Resolution Number R-04124; and

WHEREAS, on April 8, 2008, pursuant to Resolution Number R-04251, the Agency adopted a First Amendment to the Agreement to allow for an increase in compensation to Kane, Ballmer & Berkman by an additional amount of One Million One Hundred Forty Five Thousand Dollars (\$1,145,000), for a total cumulative expenditure not to exceed Three Million Thirty Five Thousand Dollars (\$3,035,000), for special legal services provided under the Agreement; and

WHEREAS, the Agency now desires to provide additional funding for the continued special legal services provided by the law firm of Kane, Ballmer & Berkman pursuant to the

Agreement for ongoing and future projects through March of 2010 to be apportioned consistent with the Agenda Report accompanying this Resolution; and

WHEREAS, Article I of the Agreement provides that legal services are rendered at the direction of the City Attorney on an "as-needed" basis; 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 for Legal Services with the law firm of Kane, Ballmer & Berkman is approved; a copy of the Second Amendment shall be placed on file in the office of the secretary of the Agency as Document No. 04393.
2. That the Second Amendment to the Agreement for Legal Services allows for an increase in compensation by an additional amount of One Million Ninety Thousand Dollars (\$1,090,000) to the maximum expenditures for the special legal services provided pursuant to the Agreement.
3. That the maximum cumulative expenditures pursuant to the Agreement, as amended, shall not exceed Four Million One Hundred Twenty Five Thousand Dollars (\$4,125,000), provided the City Auditor first furnishes a certificate that funds are, or will be, on deposit in the City Treasury.
4. That all other terms of the Agreement shall remain unchanged and in full force and effect.
5. That the Agency Executive Director or designee is authorized and empowered to execute the Second Amendment to the Agreement for Legal Services for and on behalf of the Agency, and to administer the Agency's obligations, responsibilities, and duties to be performed under the Agreement.

6. 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).

APPROVED: JAN I. GOLDSMITH, Agency General Counsel

By Kendall D. Berkey
Kendall D. Berkey
Deputy General Counsel

KDB:nda
04/02/09
Or.Dept:Redev.Agency
RA-2009-89
MMS#8465

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of APR 28 2009.

REDEVELOPMENT AGENCY

By Jeannette Santos
Jeannette Santos, Deputy Secretary

Approved: 5-4-09
(date)

Jerry Sanders
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 2900731
DEPT:
NO: 9975

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: \$1,090,000.00

Vendor: Kane, Ballmer & Berkman

Purpose: Authorize the expenditure of funds for providing legal services for CCDC, funded by the project areas by the Redevelopment Division. This is the second amendment. Total contract is not to exceed \$4,125,000.

Date: April 9, 2009 By: Weihong Dai
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	99048	990481	2001	4141	099048				\$215,000.00
002	0	99077	97752	2001	4141	011201				100,000.00
003	0	98805	97480	2001	4141	002001				50,000.00
004	0	98881	98881	2001	4141	002001				50,000.00
005	0	98881	98881	2001	4141	033101				10,000.00
006	0	98881	98881	2001	4141	991304				15,000.00
007	0	98881	98881	2001	4141	991300				10,000.00
008	0	98881	98881	2001	4141	991303				\$10,000.00
009	0	98410	9712	2001	4141	002001				20,000.00
010	0	98805	97481	2001	4141	990402				40,000.00
011	0	98840	97461	2001	4141	002001				10,000.00
012	0	98860	97471	2001	4141	002001				10,000.00
013	0	98900	9890	2001	4141	002001				\$66,000.00
014	0	98200	9823	2001	4141	002001				124,410.00
015	0	98100	9814	2001	4141	002001				21,285.00
016	0	98001	9803	2001	4141	002001				8,195.00
017	0	98250	982503	2001	4141	002001				52,690.00
018	0	98260	982601	2001	4141	002001				37,345.00
019	0	98500	97152	2001	4141	002001				1,650.00
020	0	98050	9774	2001	4141	002001				\$40,920.00
021	0	98070	98074	2001	4141	002001				55,880.00
022	0	98300	98304	2001	4141	002001				67,100.00
023	0	98570	98570	2001	4141	002001				74,525.00

Total \$1,090,000.00

Passed by the Redevelopment Agency of The City of San Diego on APR 28 2009, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<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"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<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 MAY 04 2009

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 *Janette J. [Signature]*, Deputy

Office of the Redevelopment Agency, San Diego, California
Resolution Number R- 04393