

RM City
2/23/10
KA#2

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04483

DATE OF FINAL PASSAGE MAR 02 2010

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

WHEREAS, the San Diego City Attorney, serving as General Counsel to the Agency, has determined that additional legal expertise or personnel may be necessary for particular legal matters involving redevelopment law; and

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, effective March 1, 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 approved 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 approved 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, on May 4, 2009, pursuant to Resolution Number R-04393, the Agency approved a Second Amendment to the Agreement to allow for an additional increase in compensation to Kane, Ballmer & Berkman by an amount of One Million Ninety Thousand Dollars (\$1,090,000), for a total cumulative expenditure not to exceed Four Million One Hundred Twenty-Five Thousand Dollars (\$4,125,000), for special legal services provided under the Agreement; and

WHEREAS, the Agency now desires to extend the term of the Agreement and 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 2012 to be apportioned consistent with the Agenda Report accompanying this Resolution as well as to make certain additional revisions to the compensation schedule provided under the Agreement; 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 Third Amendment to the Agreement for Legal Services with the law firm of Kane, Ballmer & Berkman [Third Amendment] is approved; a copy of the Third Amendment shall be placed on file in the office of the secretary of the Agency as Document No.

D-04283

2. That the Third Amendment extends the term of the Agreement to March 1, 2012 and allows for an increase in compensation by an additional amount of One Million Seven

Hundred Thousand Dollars (\$1,700,000) to the maximum expenditures for the special legal services provided pursuant to the Agreement.

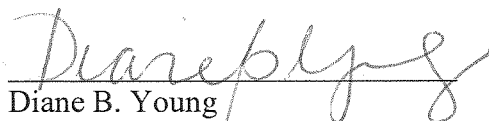
3. That the maximum cumulative expenditures pursuant to the Agreement, as hereby amended, shall not exceed Five Million Eight Hundred Twenty-Five Thousand Dollars (\$5,825,000), provided the City Comptroller first furnishes a certificate that funds are, or will be, on deposit in the City Treasury.

4. That, unless specifically amended by the Third Amendment, 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 Third Amendment for and on behalf of the Agency, and to administer the Agency's obligations, responsibilities, and duties to be performed under the Agreement.

APPROVED: JAN I. GOLDSMITH, Agency General Counsel

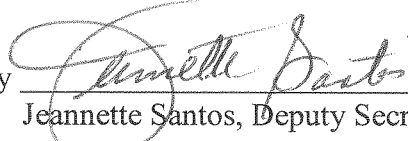
By


Diane B. Young
Deputy General Counsel

DBY:hm
01/20/10
Or.Dept:Redev.Agency
Cert.No: 3000003034
RA-2010-51
MMS#9023

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of FEB 23 2010.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 3.2.10
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000003034
DEPT. _____
NO. _____

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: Larissa Kogay

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original 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: \$850,000.00

Vendor: Kane, Ballmer & Berkman

Purpose: Authorizing the expenditure of funds for 3rd Amendment to the Agreement with Kane, Basllmer & Berkman for As-Needed Special Legal Services for CCDC and the Redevelopment Division. Total contract not to exceed \$5,825,000.00

Date: February 8, 2010 By: Francisco Lopez

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
				See attachment					\$850,000.00
TOTAL AMOUNT									\$850,000.00

FUND OVERRIDE

CC 3000003034

ACCOUNTING DATA

Doc Item	FUND	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	AMOUNT
001	400637	910500101000	910500101101	OTHR-02-NS	512042	2210	2210500011		\$37,500.00
002	200547	910400102000	910400102101	OTHR-02-NS	512042	2210	2210400011		37,500.00
003	400640	925500101000	925500101101	OTHR-02-NS	512042	2225	2225500011		35,000.00
004	400642	930500101000	930500101101	OTHR-02-NS	512042	2230	2230500011		20,000.00
005	400639	935500101000	935500101101	OTHR-02-NS	512042	2235	2235500011		10,000.00
006	400643	940500101000	940500101101	OTHR-02-NS	512042	2240	2240500011		20,000.00
007	400644	950500101000	950500101101	OTHR-02-NS	512042	2250	2250500011		50,000.00
008	400647	960500101000	960500101101	OTHR-02-NS	512042	2260	2260500011		15,000.00
009	400651	970500101000	970500101101	OTHR-02-NS	512042	2270	2270500011		40,000.00
010	400649	975500101000	975500101101	OTHR-02-NS	512042	2275	2275500011		30,000.00
011	400650	980500101000	980500101101	OTHR-02-NS	512042	2280	2280500011		20,000.00
012	400653	985500101000	985500101101	OTHR-02-NS	512042	2285	2285500011		35,000.00
013	400638	920513101000	920513101101	OTHR-02-NS	512042	2220	2220500011		50,000.00
014	400638	920522104000	920522104101	OTHR-02-NS	512042	2220	2220500011		25,000.00
015	400638	920527100000	920527100101	OTHR-02-NS	512042	2220	2220500011		25,000.00
016	400638	920533101000	920533101101	OTHR-02-NS	512042	2220	2220500011		225,000.00
017	200543	920411102000	920411102100	OTHR-02-NS	512042	2220	2220400011		125,000.00
018	400646	955500100000	955500100101	OTHR-02-NS	512042	2255	2255500011		50,000.00
							TOTAL AMOUNT		\$850,000.00

CC 3000003034

Passed by the Redevelopment Agency of The City of San Diego on FEB 23 2010, 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 checked="" type="checkbox"/>	<input 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 MAR 02 2010

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-

04483