(RA-2011-27) (COR.COPY) PANTA 11/9/10 RAH)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R-___04575

DATE OF FINAL PASSAGE _____NOV 1 7 2010____

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

WHEREAS, the San Diego City Attorney, serving as General Counsel to the Redevelopment Agency of the City of San Diego (Agency), has determined that additional legal expertise or personnel may be necessary for particular legal matters involving environmental law and hazardous substances liability; and

WHEREAS, in May 2006, the 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, on August 23, 2006, the Agency and Opper & Varco LLP, a California limited liability partnership (Legal Counsel), entered into an Agreement for legal services in the area of environmental law and hazardous substances liability for a period of three years with a maximum compensation of \$250,000 (Agreement); and

WHEREAS, on March 10, 2008, the Agency and Legal Counsel entered into a First Amendment to the Agreement to increase the maximum compensation by \$200,000 for a maximum compensation of \$450,000; and

WHEREAS, on September 24, 2008, the Agency and Legal Counsel entered into a Second Amendment to the Agreement to increase the maximum compensation by \$135,000 for a maximum compensation of \$585,000; and

WHEREAS, on January 8, 2010, the Agency and Legal Counsel entered into a Third Amendment to the Agreement to extend the term of the Agreement from August 23, 2009 to September 30, 2010 and update the Agreement to reflect 2010 rates for legal services so Legal Counsel; and

WHEREAS, the Agency wishes to increase the maximum compensation by \$260,000 for a maximum compensation of \$845,000 and extend the term of the Agreement from September 30, 2010 until the sooner of: (i) such time as the compensation remaining under the Agreement is expended or (ii) December 31, 2011; provided, however, if the term of the Agreement would otherwise expire while there is both remaining value under the Agreement and when all tasks within the Scope of Legal Services (as defined in the Agreement) have not been completed, then the Agreement shall remain in effect until the earlier of such time as there is no remaining value under the Agreement or all tasks within the Scope of Legal Services have been completed; and

WHEREAS, the Agency wishes to update the contact information of the parties to the Agreement for purposes of notice under the Agreement; NOW, THEREFORE,

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

- 1. That the Fourth Amendment to the Agreement with Legal Counsel is approved.
- 2. That the total compensation under the Fourth Amendment to the Agreement is increased by \$260,000 for a total compensation not to exceed \$845,000, provided the City Comptroller first furnishes a certificate that funds are, or will be, on deposit in the City Treasury.

3.	That the Executive Director of the Ag	gency, or designee, is authorized and
empowered to	execute the Fourth Amendment to the	e Agreement, for and on behalf of the
Agency, and	to administer the Agency's obligations	, responsibilities, and duties to be performed
under the Agr	reement.	
APPROVED	: JAN I. GOLDSMITH, General Coun	sel
	es E. Jagolinzer ty General Counsel	
CEJ:nja September 23 October 26, 2 Cert.No: 300 Or.Dept:Redo RA-2011-27 PL#2010-003	2010 Cor.Copy 0003661 ev.Agency	
I hereby certicity of San I	Ify that the foregoing Resolution was policy, at this meeting of NOV 0 9 2	assed by the Redevelopment Agency of the 2010
		REDEVELOPMENT AGENCY
		By Manual Outs Jeannette Santos, Deputy Secretary
Approved: _	(date)	JERRY SANDERS, Executive Director
Vetoed:	(date)	JERRY SANDERS, Executive Director

The City of San Diego COMPTROLLER'S CERTIFICATE

				CERTIFICATE	OF UNALLO	TTED BAI	ANCE		CC 3000003661 EPT NO.:	
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Passed by the Redevelopm following vote:	ent Agency of The C	ity of San Diego on _	NOV 0 9 2010	by the
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Agency Members	Yeas	Nays	Not Present	Recused
Sherri Lightner				
Kevin Faulconer				
Todd Gloria				
Anthony Young				
Carl DeMaio				
Donna Frye				
Marti Emerald				
Ben Hueso			_€_	
Date of final passage	NOV 1 7 2010			
			JERRY SAND	SED G
AUTHENTICATED BY:		Executive Dire		San Diego, California.
			ELIZABETH S. M	
(Seal)		Secretary	of The City of San I	Diego, California.
		By fun	rette D	Vinto, Deputy
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		Office of the Rede	evelopment Agenc	cy, San Diego, California
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