

PAID
11/9/10
R# 1-3
SERIAL 3

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04575

DATE OF FINAL PASSAGE NOV 17 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 Agency, or designee, is authorized and empowered to execute the Fourth 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.

APPROVED: JAN I. GOLDSMITH, General Counsel

By Charles E. Jagolinzer
Charles E. Jagolinzer
Deputy General Counsel

CEJ:nja
September 23, 2010
October 26, 2010 Cor.Copy
Cert.No: 3000003661
Or.Dept:Redev.Agency
RA-2011-27
PL#2010-00778

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of NOV 09 2010.

REDEVELOPMENT AGENCY

By Jeannette Santos
Jeannette Santos, Deputy Secretary

Approved: 11-17-10
(date)

Jerry Sanders
JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000003661
 DEPT. _____
 NO. _____

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: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Internal Order	Functional 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: \$200,000.00

Vendor: Opper & Varco

Purpose: Authorizing the expenditure of funds for the Fourth Amendmend to the Agreement for Environmental Legal Counsel Services. Total Contract not to exceed \$845,000.

Date: October 13, 2010

By: Esther Musau Esther Musau
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	400638	920533101000	920533101101	OTHR-000000002-NS	512042	2220	2220500011		\$200,000.00
TOTAL AMOUNT									\$200,000.00

FUND OVERRIDE

CC 3000003661

Passed by the Redevelopment Agency of The City of San Diego on NOV 09 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>


Date of final passage NOV 17 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- 04575