

RAMG
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RA#2

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04684

DATE OF FINAL PASSAGE AUG 18 2011

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE FOURTH 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, on February 23, 2010, pursuant to Resolution Number R-04483, the Agency approved a Third Amendment to the Agreement to extend the term of the Agreement to March 1, 2012 and to allow for an additional increase in compensation to Kane, Ballmer & Berkman by an amount of One Million Seven Hundred Thousand Dollars (\$1,700,000), for a total cumulative expenditure not to exceed Five Million Eight Hundred Twenty-Five Thousand Dollars (\$5,825,000), for special legal services provided under the Agreement; and to make certain additional revisions to the compensation schedule 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 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 Fourth Amendment to the Agreement for Legal Services with the law firm of Kane, Ballmer & Berkman (Fourth Amendment) is approved; a copy of the Fourth

Amendment shall be placed on file in the office of the secretary of the Agency as Document
No. D-04684.

2. That the Fourth Amendment allows for an increase in compensation by an additional amount of Eight Hundred Thousand Dollars (\$800,000) 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 Six Million Six Hundred Twenty-Five Thousand Dollars (\$6,625,000) provided the City Comptroller first furnishes a certificate that funds are, or will be on deposit in the City Treasury.

4. That the law firm of Kane, Ballmer & Berkman shall provide the Office of the San Diego City Attorney, serving as General Counsel to the Agency, with a duplicate copy of all invoices for the legal services provided under the Agreement.

5. That, unless specifically amended by the Fourth Amendment, all other terms of the Agreement shall remain unchanged and in full force and effect.

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: CC 3000004326

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: Francisco J Lopez
 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: \$400,000.00

Vendor: Kane, Ballmer & Berkman

Purpose: 1472 - Fourth Amendment to the Agreement with Kane, Ballmer & Berkman for As-Needed Special Legal Services increases to KBB contract by \$800,000 from \$5,825,000 to \$6,625,000, of which \$400,000 is being encumbered with the Action for Center City Redevelopment Project Area.

Date: July 18, 2011 By: Francisco J Lopez
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	400638	920533101000	920533101101	OTHR-02-NS	512059	2220	2220500011		\$400,000.00
TOTAL AMOUNT									\$400,000.00

FUND OVERRIDE

CC 3000004326

6. That the Agency Executive Director or designee is authorized and empowered to execute the Fourth 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, General Counsel

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

CEJ:nja
7/19/2011
8/4/2011 Rev.Copy
Cert. No. 3000004326
Or.Dept:CCDC
RA-2011-141
PL#2011-07114

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of AUG 02 2011

REDEVELOPMENT AGENCY

By Jeannette Santos
Jeannette Santos, Deputy Secretary

Approved: _____
(date)

JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

This

This Resolution was returned unsigned by the Executive Director Office to the Office of the Redevelopment Agency on August 18, 2011, at 4:07 p.m. See San Diego City Charter Section 295 (a) (2).

Passed by the Redevelopment Agency of The City of San Diego on AUG 0 2 2011, 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"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 1 8 2011

AUTHENTICATED BY:

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

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

(Seal)

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R-

04684