332 (R-2009-441) /2/09 HEET

RESOLUTION NUMBER R- 304319

DATE OF FINAL PASSAGE DEC 0 9 2008

A RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING THE RETENTION OF DORN G. BISHOP APC FOR THE PURPOSE OF LEGAL SERVICES FOR CASE, SHIPYARD SEDIMENT SITE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD TENTATIVE CLEAN-UP AND ABATEMENT ORDER NO. R9-2005-0126

WHEREAS, this matter involves a Tentative Cleanup and Abatement Order issued by the California Regional Water Quality Control Board relating to the area of San Diego Bay including and to the north of Chollas Creek;

WHEREAS, Council has determined it is necessary for outside legal counsel to review insurance coverage issues for the City;

WHEREAS, the Law Offices of Dorn G. Bishop APC has the necessary skills and experience to assist the City in defense of this matter; and

WHEREAS, the Council determined to retain Dorn G. Bishop APC to assist the City Attorney in the defense of this matter; and

WHEREAS, the Council of the City of San Diego has been briefed on the status of this matter in duly-noticed Closed Session on July 22, 2008, the City Council voted on Item CS-3, authorizing the defense strategy and the retention of outside counsel in the case *Shipyard*Sediment Site California Regional Water Quality Control Board Tentative Cleanup and Abatement Order No. R9-2005-0126. The motion was made by Council President Pro Tem Madaffer and the second by Councilmember Hueso. The motion passed 6 to 0 with Councilmembers Young and Maienschein absent; NOW THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Attorney is authorized to retain The Law Offices of Dorn G. Bishop APC for services in the *Shipyard Sediment Site California Regional Water Quality Control Board Tentative Cleanup and Abatement Order No. R9-2005-0126* in an amount not to exceed \$150,000.

BE IT FURTHER RESOLVED, that the Comptroller is authorized to expend up to \$150,000 from the Public Liability Fund on this matter.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

Lawrence V. Tomanek Chief Deputy City Attorney

LVT:ca 10/07/08

Aud. Cert.: AC 2900254 Or.Dept:City Attorney

R-2009-441

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _______ 28 2000.

ELIZABETH S. MALAND

City Clerk

Deputy City Clerk

Approved: _

(date)

JERRY SANDERS, Mayor

Vetoed: N. 13-0

date)

JERRY SANDERS, Mayor



OFFICE OF MAYOR JERRY SANDERS CITY OF SAN DIEGO

MEMORANDUM

DATE:

November 13, 2008

TO:

Honorable Council President Peters

Honorable Members of the City Council

FROM:

Mayor Jerry Sanders

SUBJECT:

Veto of Council Resolution R-2009-441 (Authorizing the Retention of Dorn G.

Bishop APC for Legal Services)

I am hereby vetoing Council Resolution R-2009-441 (Authorizing the retention of Dorn G. Bishop APC, for the case <u>Shipyard Sediment Site California Water Quality Control Board Tentative Clean-Up and Abatement Order No. R9-2005-0126.</u>)

In taking this action, I do not opine in any way on the capabilities of the Bishop legal firm or on the need for outside counsel in the matter.

cc: Andrea Tevlin, Independent Budget Analyst Michael Aguirre, City Attorney Liz Maland, City Clerk

The City of San Diego **CERTIF**

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CERTIFICATE OF UNALLOTTED BALANCE

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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: \$150,000.00 Vendor: Law Offices of Dorn G. Bishop APC Purpose: Authorizing \$150,000 for retention agreement for outside counsel for insurance coverage review in the defense of the City in the case of Shipyard Sediment Site CA Regional Water Quality Control Board Tentative Cleanup and Abatement Order No. R9-2005-0126. Authorize the City Comptroller to expend up to \$150,000 from the Public Liability Fund. Date: September 29, 2008 By: ACCOUNTING DATA		1 .	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER		BENF/	EQUIP	FACILITY	AMOUNT
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