

RESOLUTION NUMBER R- 305268

DATE OF FINAL PASSAGE OCT 1 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AN AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND BURKE, WILLIAMS & SORENSEN, LLP, TO EXPEND AN ADDITIONAL AMOUNT NOT TO EXCEED \$100,000 FOR EXPERT LEGAL CONSULTANT SERVICES RELATED TO FY 2010 LABOR NEGOTIATIONS, AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AMENDMENT TO THE AGREEMENT, AND AUTHORIZING THE CHIEF FINANCIAL OFFICER OR DESIGNEE TO EXPEND FUNDS FOR THE AGREEMENT.

WHEREAS, by City Council Resolution (No. R-304451) on December 1, 2008 and Mayoral approval on December 15, 2008, the City entered into an Agreement with the law firm, Burke, Williams & Sorensen, LLP, to provide expert legal consultant services to the City of San Diego [City] pertaining to Fiscal Year [FY] 2010 negotiations with the City's recognized employee organizations; and

WHEREAS, the Agreement between the City and Burke, Williams & Sorensen, LLP, is on file in the Office of the City Clerk as Document No. RR-304451; and

WHEREAS, the Agreement was for an amount not to exceed \$400,000 from Citywide cost allocations; and

WHEREAS, the FY2010 negotiations with the City's recognized employee organizations lasted from January 2009 until July 2009; the negotiations resulted in agreements with three of the City's employee organizations, while the negotiations ended in impasse with two of the employee organizations; and

WHEREAS, the length of the negotiations resulted in an unanticipated need for additional services from attorneys for Burke, Williams & Sorensen, LLP, who served as the City's labor negotiators; and

WHEREAS, the original allocation by this Council for \$400,000 for legal consultant services related to the FY 2010 negotiations was insufficient; and

WHEREAS, this Council desires to amend the Agreement with Burke, Williams & Sorensen, LLP, to increase the allocation for services by an additional amount not to exceed \$100,000; and

WHEREAS, by Resolution Number R-304451, the Council authorized the Mayor and his staff, in consultation with the Office of the City Attorney, to finalize the terms and conditions of the agreement with Burke, Williams & Sorensen, LLP; and

WHEREAS, the Agreement on file in the Office of the City Clerk, as Document No. RR-304451, contains a typographical error, in that Article II, section 2.1, "Term of Agreement" should have read, in relevant part, "Unless otherwise terminated, it shall be effective until completion of the Scope of Services or August 30, 2009 (instead of 2008), whichever is the earliest but not to exceed five years unless approved by City ordinance";

WHEREAS, this Council desires to amend the Agreement to correct the typographical error and to authorize expenditure under the Agreement of an additional amount not to exceed \$100,000; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this Council approves an amendment to the Agreement, between the City of San Diego and the law firm of Burke, Williams & Sorensen, LLP, on file with the Office of the City Clerk, as Document No. RR-304451, authorizing expenditure of an additional amount not to exceed \$100,000, and

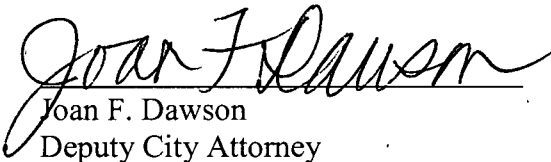
correcting a typographical error so that Article II, section 2.1, Term of Agreement shall read as follows:

“This Agreement shall be effective on the date it is executed by the last Party to sign the Agreement, and approved by the City Attorney in accordance with San Diego Charter Section 40. Unless otherwise terminated, it shall be effective until completion of the Scope of Services or August 30, 2009, whichever is the earliest not to exceed five years unless approved by City ordinance.”

BE IT FURTHER RESOLVED, that the Mayor or designee is authorized to execute this amendment to the Agreement between the City of San Diego and Burke, Williams & Sorensen, LLP.

BE IT FURTHER RESOLVED, that the Chief Financial Officer or designee is authorized to expend an amount not to exceed \$100,000 from FY2010 Citywide FTE Allocated Accounting Schedule for the services set forth in the amendment to the Agreement between the City of San Diego and Burke, Williams & Sorensen, LLP.

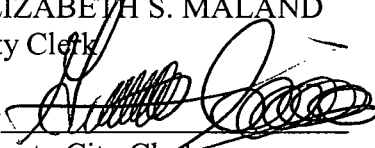
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Joan F. Dawson  
Deputy City Attorney

JFD:cfq  
09/10/09  
Or.Dept:Labor Relations  
R-2010-163  
MMS#10386

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 22 2009.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 10-1-09  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor