

503
10/19

RESOLUTION NUMBER R- 306259

DATE OF FINAL PASSAGE OCT 26 2010

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING A FIRST AMENDMENT TO THE CONSULTANT AGREEMENT WITH GREENBERG TRAURIG, LLP, FOR PROFESSIONAL SERVICES RELATING TO THE POTENTIAL DIVESTITURE OF THE MIRAMAR LANDFILL.

WHEREAS, the City retained the firm of Greenberg Traurig, LLP, to provide professional consulting services in connection with the City's possible divestiture of the Miramar Landfill, for a term of one year and a total contract amount not to exceed \$250,000, under the terms and conditions set forth in City Document No. C- 15448; and

WHEREAS, the procurement process associated with this potential transaction is underway, and additional consultant services are required in order to continue moving the process forward; and

WHEREAS, given (i) the myriad complex and unique legal issues involved in this potential transaction including, but not limited to, merger and acquisition issues, financing issues, potential tax implications, permitting issues involving multiple regulatory agencies, and federal land lease and federal environmental review issues; and (ii) the expedited timeframe to complete the process, specialized legal services also are required; and

WHEREAS, additional funding is necessary for the consultant to continue providing professional services required by the City in connection with the potential divestiture of the Miramar Landfill; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized to execute, for and on behalf of the City, a first amendment to the agreement with Greenberg Traurig, LLP, for professional services in connection with the

potential divestiture of the Miramar Landfill, to include a total contract term of one year, legal services to be provided under the direction of the City Attorney, and an additional contract amount not to exceed \$250,000, under the terms and conditions set forth in the First Amendment to the Agreement Between the City of San Diego and Greenberg Traurig, LLP, for Miramar Landfill Divestiture Consulting Services, on file with the City Clerk as Document No. RR-

306259

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$250,000 from General Fund No. 100000 is authorized, solely and exclusively to provide funds for the above First Amendment, provided that the City Comptroller first furnishes a certificate that the funds are, or will be, on deposit in the City Treasury.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Grace C. Lowenberg
Grace C. Lowenberg
Deputy City Attorney

GCL:mb
10/15/10
Comp Cert: 3000003648
Or.Dept:Mayor
R-2011-353

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of OCT 19 2010.

ELIZABETH S. MALAND, City Clerk

By Mary Zumaya
Deputy City Clerk

Approved: 10-26-10
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R- 306259

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000003648
 DEPT NO. 2115130013

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: _____ Fund: _____

Purpose: _____

Date: _____ By: Jessica Olson

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: \$500,000.00

Vendor: Greenberg Traurig, LLP

Purpose: Authorizing the execution of an agreement with Greenberg Traurig, LLP for professional consulting services and the first amendment to the agreement to include legal representation associated with the Miramar Landfill RFQ/SOI in an amount not to exceed \$500,000.

Date: October 15, 2010 By: Jessica Olson

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
	100000				512059		2115130013		\$250,000.00
	100000				512042		2115130013		\$250,000.00
TOTAL AMOUNT									\$500,000.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000003648

OCT 19 2010

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