

ORDINANCE NUMBER O- 30046 (NEW SERIES)

52  
4/26

DATE OF FINAL PASSAGE MAY 11 2011

AN ORDINANCE AUTHORIZING THE EXECUTION OF A  
THIRD AMENDMENT TO THE AGREEMENT WITH  
SOMACH, SIMMONS & DUNN FOR THE PURPOSE OF  
AMENDING A LEGAL SERVICES FINANCING  
AGREEMENT EXCEEDING FIVE YEARS.

WHEREAS, on December 9, 2002, by Resolution R-297484, the Council of the City of San Diego [City] adopted the Long-Range Water Resources Plan [LRWRP] to evaluate water supply alternatives for meeting the City's current and future water needs; and

WHEREAS, on April 20, 2004, City and Somach, Simmons & Dunn [Firm] entered into an Agreement for specialized legal services [Agreement] required by the Public Utilities Department to assist City in implementing the water resources strategy as recommended by the LRWRP; and

WHEREAS, during the term of the Agreement, City determined that it required Firm's services for an additional time period and therefore extended the term of the Agreement until March 31, 2009, by executing a First Amendment; and

WHEREAS, during the term of the Agreement extended by the First Amendment, City determined that it required Firm's services for an additional time period and therefore extended the term of the Agreement by five (5) years until March 31, 2014 and expended an additional \$200,000, by executing a Second Amendment; and

WHEREAS, during the term of the Agreement extended by the Second Amendment, City determined that it will require Firm's additional services and therefore desires to increase the amount of funding available under the Agreement by \$650,000; NOW, THEREFORE:

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor or his designee is hereby authorized to execute a Third Amendment to the as-needed Agreement with Somach, Simmons & Dunn, on file in the Office of the City Clerk as Document No. ~~00-20046~~ for the purpose of amending a legal services contract with an additional amount of \$650,000 for litigation and the Long-Range Water Resources Plan; and

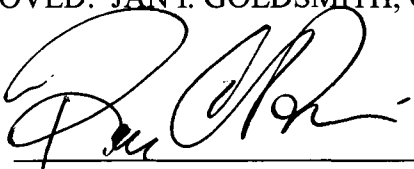
Section 2. That the Chief Financial Officer is hereby authorized to appropriate and expend an amount not to exceed \$650,000 from Water Utility Operating Fund, Fund 700011, for the purpose of funding this Agreement, its amendments and related costs, with Somach, Simmons & Dunn through Fiscal Year 2011 and continuing this expenditure into FY2012, FY2013 and FY 2014, contingent upon the approval of the FY2012, FY 2013 and FY2014 Appropriation Ordinances, providing that the Chief Financial Officer first furnishes one or more certificates certifying that the funds necessary for the expenditures are, or will be, on deposit with the City Treasurer.

Section 3. That the City Auditor and Comptroller is authorized, upon advice from the administering department, to transfer excess funds, if necessary, to appropriate reserves.

Section 4. That a full reading of this Ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 5. That this Ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day from and after its final passage.

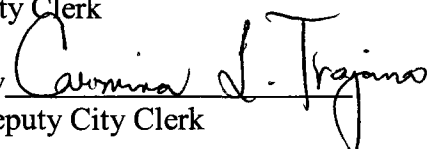
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Raymond C. Palmucci  
Deputy City Attorney

RCP:cfq  
03/30/2011  
Or.Dept:CAO  
O-2011-91

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 26 2011.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5.11.11  
(date)

  
JERRY SANDERS, Mayor

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

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JERRY SANDERS, Mayor