

ORDINANCE NUMBER O- 20292 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 30 2013

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING ADDITIONAL FUNDING FOR THE LAW OFFICE OF DORN BISHOP FOR INSURANCE COVERAGE REPRESENTATION IN CONNECTION WITH CLEANUP AND ABATEMENT ORDER NO. R9-2012-0024 AND RELATED FEDERAL LITIGATION IN AN AMOUNT NOT TO EXCEED \$200,000

WHEREAS, the California Regional Water Quality Control Board (“Regional Board”) issued a tentative Cleanup and Abatement Order in 2005 due to an elevated level of pollutants in the San Diego Bay bottom marine sediment along the eastern shore of central San Diego Bay; and

WHEREAS, the City of San Diego (“City”) was named by the Regional Board as a responsible discharging party in the tentative Cleanup and Abatement Order; and

WHEREAS, in March 2012, the Regional Board issued Cleanup and Abatement Order No. R9-2012-0024 which replaces the tentative order issued in 2005; and

WHEREAS, the City is subject to Cleanup and Abatement Order No. R9-2012-0024 which order that the City take all corrective actions necessary to remediate the contaminated marine bay sediment at the subject site; and

WHEREAS, in 2008, the Council of the City of San Diego (“City Council”) determined that it was in its best interest to retain outside legal counsel for insurance-related legal services in defense of the tentative Cleanup and Abatement Order; and

WHEREAS, Dorn Bishop, Esq., and the Law Offices of Dorn G. Bishop, APC, was determined to possess the necessary skills and experience to provide the City with insurance-related legal services for its defense of the tentative Cleanup and Abatement Order; and

WHEREAS, on December 9, 2008, the City Council adopted Resolution R-304319 authorizing the retention of Dorn Bishop, Esq., and the Law Offices of Dorn G. Bishop, APC, and approving funding in an amount not to exceed \$150,000; and

WHEREAS, on July 2, 2010, the City Council adopted Resolution R-305928 authorizing the extended retention of Dorn Bishop, Esq., and the Law Offices of Dorn G. Bishop, APC, and approving additional funding in an amount not to exceed an additional \$350,000; and

WHEREAS, Dorn Bishop, Esq., has notified the City that the monies appropriated under Resolution R-304319 and Resolution R-305928 have been expended and there is a need for additional funding; and

WHEREAS, the Mayor and Council were briefed on the status of this matter in Closed Session on June 4, 2013, and informed of the anticipated future legal services to be performed by Dorn Bishop, Esq., and the Law Offices of Dorn G. Bishop, APC; and

WHEREAS, under Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by Ordinance approved by a two-thirds majority of the City Council; 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 authorized to increase the contract amount by \$200,000, and continue the retention of Dorn Bishop, Esq., and the Law Offices of Dorn G.

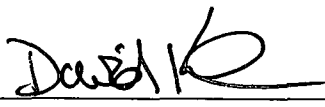
Bishop, APC, for insurance-related legal services related to Cleanup and Abatement Order No. R9-2012-0024.

Section 2. That the expenditure of an amount not to exceed \$200,000 is authorized for the purpose of payment of invoices and future reserve funding, contingent upon the Chief Financial Officer first certifying that the funds necessary for this expenditure are, or will be, available from Public Liability Fund 720045.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney


By 

David J. Karlin
Deputy City Attorney

DJK:lla
6/19/2013
Or.Dept:City Attorney

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 8/28/13.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 8/29/13
(date)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

This ordinance is effective August 30, 2013, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.

Passed by the Council of The City of San Diego on AUG 28 2013, by the following vote:

Councilmembers	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"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 30 2013.

AUTHENTICATED BY:

BOB FILNER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 23 2013, and on AUG 30 2013.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.
By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- **20292**