

#54  
6/10/14

5/13/14  
Item #53

(O-2014-61)  
(CORR.COPY)

ORDINANCE NUMBER O- 20373 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 23 2014

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING A FOURTH AMENDMENT TO  
THE AGREEMENT WITH SOMACH, SIMMONS & DUNN  
FOR ASSISTANCE IN LONG-RANGE WATER PLANNING  
AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, In December 2013, the City of San Diego (City) adopted the 2012 Long-Range Water Resources Plan (2012 LRWRP) by Resolution R2014-11 and R2014-12; and

WHEREAS, Specialized legal services are required by the City Attorney and the Public Utilities Department to assist the City in implementing and protecting the water resources strategy as recommended by the 2012 LRWRP; and

WHEREAS, Somach, Simmons & Dunn ("Firm") has been assisting the City for more than nine years with specialized legal issues originating with the implementation of the 2002 Long-Range Water Resources Plan and, in particular, with interstate compact issues regarding the Colorado River, the City's All-American Canal capacity rights, water rights litigation support for the San Diego Formation, the City's Pueblo water rights, and agreements between the City and various water and irrigation districts; and

WHEREAS, The initial agreement between City and Firm was executed on April 20, 2004 for \$250,000; on May 26, 2009, the Second Amendment to the Agreement was approved by the City Council in O-19866, which added \$200,000 and five years to the original Agreement amount, on May 11, 2011, the Third Amendment to the Agreement was approved by the City Council in O-20046, which added \$650,000 to the original Agreement amount; and

WHEREAS, The Public Utilities Department and the City Attorney's Office desire to increase the Agreement amount by \$350,000, and extend it for another two years in order to be able to continue to have the benefit of the Firm's expertise for ongoing matters related to the LRWRP and the protection of the City's water rights; 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 execute, for and on behalf of the City, a Fourth Amendment to the agreement with Somach, Simmons & Dunn for as-needed assistance with the City's long-range water resources planning, under the terms and conditions set forth in the Fourth Amendment, on file with the City Clerk as Document No. OO-\_\_\_\_\_.

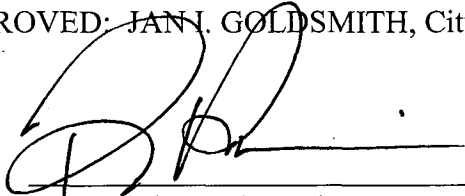
Section 2. That the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$350,000 from Water Utility Operating Fund No. 700011, solely and exclusively to provide funds for the above Fourth Amendment, contingent on adoption of the Fiscal Year 2015 appropriation ordinance and funds for this purpose being included in the budget, and provided that the Chief Financial Officer furnishes one or more certificates that the funds for this expenditure are, or will be, on deposit in the City Treasury.

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: JANI. GOLDSMITH, City Attorney

By

  
\_\_\_\_\_  
Raymond C. Palmucci  
Deputy City Attorney

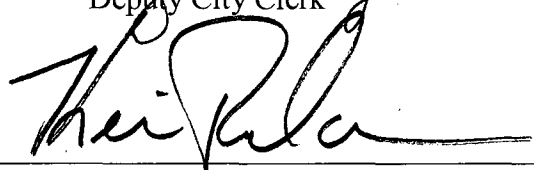
RCP:mb  
03/18/2014  
**04/14/14 (CORR.COPY)**  
Or.Dept:P.Util-Water  
Doc.No:666715

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego,  
at its meeting of   JUN 10 2014  .

ELIZABETH S. MALAND, City Clerk

By   
\_\_\_\_\_  
Deputy City Clerk

Approved:   6/19/2014    
                  (date)

  
\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUN 10 2014, 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"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 JUN 23 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By Mary Fernandez, 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

JUN 13 2014, and on JUN 23 2014

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By Mary Fernandez, Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 20373