

ORDINANCE NUMBER O- 20497 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 11 2015

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, THE RELATED FEDERAL LITIGATION, AND OTHER INSURANCE-RELATED ISSUES CONCERNING SAN DIEGO BAY IN AN AMOUNT NOT TO EXCEED \$100,000.

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 ordered 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, on August 30, 2013, the City Council adopted Ordinance O-20292 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 \$200,000; and

WHEREAS, Dorn Bishop, Esq., has notified the City that the monies appropriated under Resolution R-304319, Resolution R-305928 and O-20292 have been expended and there is a need for additional funding; 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 \$100,000, and continue the retention of Dorn Bishop, Esq., and the Law Offices of Dorn G.

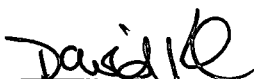
Bishop, APC, for insurance-related legal services related to Cleanup and Abatement Order No. R9-2012-0024, the related federal litigation, and other issues concerning San Diego Bay.

Section 2. That the expenditure of an amount not to exceed \$100,000 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  
Chief Deputy City Attorney

DJK:aml  
April 29, 2015  
Or. Dept: City Attorney  
Doc. No.: 1006149

**(Note:** Delete the following if **not** subject to Mayoral veto.)

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 02 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 6/11/15  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on JUN 2 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherrri Lightner	<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"/>
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"/>
Chris Cate	<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 11 2015

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

MAY 19 2015, and on JUN 11 2015.

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

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