\$102

(R-2016-450)

RESOLUTION NUMBER R- 310385

DATE OF FINAL PASSAGE MAY 0 4 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AMENDMENT NO. 2 TO THE AGREEMENT FOR LEGAL SERVICES WITH PROCOPIO, CORY, HARGREAVES & SAVITCH LLP, FOR AN AMOUNT NOT TO EXCEED \$475,000; AUTHORIZING AND DIRECTING THE MAYOR TO SIGN THE AGREEMENT; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND SPECIFIED AMOUNTS UNDER THE AGREEMENT

WHEREAS, the City of San Diego ("City") is a named defendant in cases related to a mobilehome park in Mission Bay entitled: *De Anza Cove Homeowners Association, et al. v. City of San Diego*, San Diego Superior Court Case No. GIC 821191 ("*De Anza*"); *Aglio, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2009-00081994-CU-EI-CTL ("*Aglio*"); *Scottsdale Insurance Co. v. City of San Diego*, San Diego Superior Court Case No. 37-2008-00093941-CU-IC-CTL ("*Scottsdale*"); *Certain Interested Underwriters at Lloyd's v. Terra Vista Management, Inc., et al.*, San Diego Superior Court Case No. 37-2008-00092709-CU-MC-CTL ("*Lloyd's*") and

WHEREAS, the City retained the law firm of Procopio, Cory, Hargreaves & Savitch LLP ("Procopio") to represent and counsel the City in *De Anza*, *Aglio*, *Scottsdale*, *Lloyd's* and *Scottsdale Insurance Co. v Everest Indemnity Insurance Co, Columbia Casualty Co*; SDSC 2012-00094815 ("Scottsdale Contribution") and

WHEREAS, the City has also retained Procopio to pursue an excess insurance coverage claim with the California State Association of Counties ("CSAC") and

WHEREAS, the City proposes to retain Procopio to represent and provide counsel with respect to the lawsuit known as *DJ St. Jon v. Tatro, et al.*, United States District Court for the Southern District of California, Case No. 3:15-cv-2552-L-JLB ("St. Jon"), and

WHEREAS, the City desires to continue to utilize the services of Procopio for insurance coverage analysis and representation related to the *De Anza*, *Aglio*, *Scottsdale*, *Lloyds*, *Scottsdale*Contribution, CSAC and the new matter, *St. Jon* Litigation, and

WHEREAS, Procopio possess the specialized knowledge and experience, beyond that available in the Office of the City Attorney, that is necessary to provide insurance coverage services and strategic lawsuit against public participation experience to the City related to the *De Anza*, *Aglio*, *Scottsdale*, *Lloyds*, *Scottsdale Contribution*, *CSAC* and the new matter, *St. Jon* Litigation, and

WHEREAS, the Amendment No. 2 to the Agreement for Legal Services between the City and Procopio is for an amount not to exceed \$475,000, and shall run from the date the last party signs the Amendment No. 2 to the Agreement for Legal Services, and it is approved by the City Attorney in accordance with San Diego Charter section 40, until the scope of services defined in the Amended Agreement No. 2 is complete, but not for a term exceeding five years from the date of the initial agreement, unless an extension is approved by ordinance of the Council of the City of San Diego pursuant to San Diego Charter section 99; and;

WHEREAS, the funding for the Amendment No. 2 to the Agreement for Legal Services shall be borne by Public Liability Fund 720045; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council approves the Amendment No. 2 to the Agreement for Legal Services and authorizes and directs the Mayor

or his designee to sign the Amendment No. 2 to the Agreement for Legal Services with Procopio, Cory, Hargreaves & Savitch LLP.

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to appropriate and expend an amount up to \$475,000 from the Public Liability Fund, Fund 720045 contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

Ву	Mul C	
-,	Walter Chung Deputy City Attorney	_
Or. D CC: 3	oml 6, 2016 lept: City Atty 3000008690 No. 1227624	
I certi meeti	ify that the foregoing Resolution was page ofAPR 26.2016	passed by the Council of the City of San Diego, at this
		ELIZABETH S. MALAND City Clerk
		Deputty City Clerk
Appro	oved:(date)	KEVIN L. FAULCONER, Mayor
Vetoe	ed: (date)	KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Councilmembers	Yeas	Nays	Not Present	Recused	
Sherri Lightner	Z				
Lorie Zapf	\mathbf{Z}				
Todd Gloria	\mathbf{Z}				
Myrtle Cole	Ø				
Mark Kersey	Z				
Chris Cate	Z				
Scott Sherman	Z				
David Alvarez	Z				
Marti Emerald			Ø		
Date of final passage MA	Y 0 4 2016				
(Please note: When a resolution	on is approved by the	e Mayor, the	date of final passa	age is the date the	
approved resolution was retur	ned to the Office of 1	the City Clei	·k.)		
approved resolution was returned approved resolution	rned to the Office of a		KEVIN L. FA	AULCONER San Diego, California.	
	rned to the Office of 1	Ma	KEVIN L. FA ayor of The City of ELIZABETH	San Diego, California.	
AUTHENTICATED BY:	rned to the Office of 1	Ma	KEVIN L. FA ayor of The City of ELIZABETH: Clerk of The City of	San Diego, California. S. MALAND	
AUTHENTICATED BY:	rned to the Office of 1	Ma City	KEVIN L. FA ayor of The City of ELIZABETH: Clerk of The City of	San Diego, California. S. MALAND of San Diego, California.	
AUTHENTICATED BY:	rned to the Office of	Ma City	KEVIN L. FA ayor of The City of ELIZABETH: Clerk of The City of	San Diego, California. S. MALAND of San Diego, California.	

Resolution Number R-____

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