

RESOLUTION NUMBER R- 311248

DATE OF FINAL PASSAGE JUL 25 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AN AMENDMENT TO THE AGREEMENT FOR LEGAL SERVICES WITH PROCOPIO, CORY, HARGREAVES & SAVITCH LLP, FOR AN AMOUNT NOT TO EXCEED \$490,000; 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 and

WHEREAS, the City retained the law firm of Procopio, Cory, Hargreaves & Savitch LLP ("Procopio") to represent and counsel the City in *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*"); and *Scottsdale Insurance Co. v. City of San Diego*, San Diego Superior Court Case No. 37-2008-00093941-CU-IC-CTL ("*Scottsdale*"); and

WHEREAS, the City 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 *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

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* cases, the CSAC claim and the Lloyds of London case; and

WHEREAS, Procopio possess the specialized knowledge and experience, beyond that available in the Office of the City Attorney, that is necessary in order to provide insurance coverage services to the City related to the *De Anza, Aglio, Scottsdale* cases, the CSAC claim and the Lloyds of London case; and

WHEREAS, the amendment to the agreement for legal services (“Amended Agreement”) between the City and Procopio is for an amount not to exceed \$490,000, and shall run from the date the last party signs the Amended Agreement, 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 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;

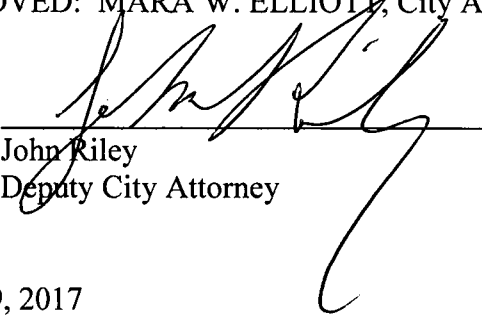
WHEREAS, the funding for the Amended Agreement shall be borne by Public Liability Fund 720045; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council approves the Amended Agreement and authorizes and directs the Mayor or his designee to sign the

Amended Agreement No. 4 for legal services with Procopio, Cory, Hargreaves & Savitch LLP, which is on file with the Office of the City Clerk as Document No. RR- 311248.

BE IT FURTHER RESOLVED, that Chief Financial Officer is authorized to appropriate and expend an amount up to \$490,000 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: MARA W. ELLIOTT, City Attorney

By 
John Riley
Deputy City Attorney

JR:aml
June 29, 2017
Or. Dept: READ
CC: 3000007940
Doc. No. 1485491

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 18 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7/24/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor