

ORDINANCE NUMBER O- 20953 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 29 2018

AN ORDINANCE OF THE COUNCIL OF THE  
CITY OF SAN DIEGO AUTHORIZING THE  
SIXTH AMENDMENT TO THE AS-NEEDED AGREEMENT  
WITH SOMACH, SIMMONS & DUNN FOR LEGAL  
SERVICES RELATED TO THE LONG-RANGE WATER  
RESOURCES PLAN.

WHEREAS, in December 2013, the City of San Diego (City) adopted the 2012 Long-Range Water Resources Plan (2012 LRWRP) by Resolution R-2014-11 and R-2014-12; 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 fourteen years with specialized legal issues originating with the implementation of the 2002 Long-Range Water Resources Plan, 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, more recently, the Firm has provided legal advice for the City involving litigation over the Richard Reynolds Desalination Expansion Project, Phase II, and the Firm continues to provide legal advice on post-settlement amendment discussions, Pueblo Water rights and compliance with Federal Energy Regulatory Commission and Sustainable Groundwater Management Act directives; and

WHEREAS, the initial Agreement was executed on or about April 20, 2004 for \$250,000 (C-12698) with an Agreement completion date of January 31, 2006; and

WHEREAS, on or about August 14, 2006, the First Amendment to the Agreement was approved for a no-cost time extension of three (3) years to the original Agreement through document C-13909, with a revised Agreement completion date of March 31, 2009; and

WHEREAS, on or about May 26, 2009, the Second Amendment to the Agreement was approved by the City Council Ordinance O-19866, which added \$200,000 and five (5) years for a revised total Agreement amount of \$450,000 and a revised Agreement completion date of March 31, 2014; and

WHEREAS, on or about May 11, 2011, the Third Amendment to the Agreement was approved by the City Council Ordinance O-20046, which added \$650,000 to the Agreement for a revised Agreement amount of \$1,100,000, retaining the completion date of March 31, 2014; and

WHEREAS, on or about June 23, 2014, the Fourth Amendment to the Agreement was approved by the City Council Ordinance O-20373, which added \$350,000 and two (2) years to the Agreement for a revised Agreement amount of \$1,450,000 and a revised Agreement completion date of March 31, 2016; and

WHEREAS, on or about July 10, 2015, the Fifth Amendment to the Agreement was approved by City Council Ordinance O-20507, which added \$250,000 and two (2) years to the Agreement for a revised total of \$1,700,000 and a revised Agreement completion date of March 31, 2018; and

WHEREAS, the Public Utilities Department and the City Attorney's Office desire to amend the Agreement with a no cost time extension, extending the Agreement an additional six months to September 30, 2018 in order to continue to have the Firm's expertise on current and ongoing matters until a new, competitively-bid legal services agreement is in place; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

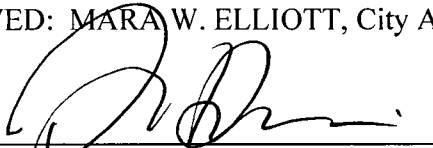
Section 1. That the Mayor, or his designee, is authorized to execute, for and on behalf of the City, the Sixth Amendment to the As-Needed Agreement with Somach, Simmons & Dunn for legal services related to the Long-Range Water Resources Plan, extending the contract term an additional six months to September 30, 2018, under the terms and conditions set forth in the Sixth Amendment, on file with the City Clerk as Document No. OO- 20953.

Section 2. 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 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
Raymond C. Palmucci  
Deputy City Attorney

RCP:amc  
Mat 9, 2018  
Or.Dept:Public Util.  
Doc. No.: 1685751

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 26 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 6/28/18  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

The date of final passage is June 29, 2018, 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 JUN 26 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 29 2018.

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 Sty Brady, 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 12 2018, and on JUN 29 2018.

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 Sty Brady, Deputy

Office of the City Clerk, San Diego, California

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