

RESOLUTION NUMBER R- 311768

DATE OF FINAL PASSAGE MAY 30 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE CONTRACT FOR THE RETENTION OF BURKE, WILLIAMS & SORENSEN, LLP AS OUTSIDE COUNSEL TO REPRESENT AND DEFEND THE CITY IN LITIGATION INVOLVING THE CASE OF *MARLEA DELL'ANNO v. CITY OF SAN DIEGO*.

WHEREAS, the City of San Diego (City) is a named defendant in the lawsuit entitled *Marlea Dell'Anno v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2017-00000118-CU-OE-CTL (Dell'Anno Case); and

WHEREAS, the City desires to retain the law firm of Burke, Williams & Sorensen, LLP (Law Firm) to defend the City on the Dell'Anno Case; and

WHEREAS, on April 24, 2018, the Purchasing Agent approved the Request and Certification for Sole Source Procurement; and

WHEREAS, the agreement for legal services (Agreement) between the City and Law Firm is for an amount not to exceed \$250,000 and shall run from the date the last party signs the 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 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 City Council pursuant to San Diego Charter section 99; and

WHEREAS, the funding for the Agreement shall be borne by the Public Liability Fund 720045; and


WHEREAS, this matter was heard by the City Council in closed session on April 10, 2018;
NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council approves the contract for the retention of the Law Firm as outside counsel on the Dell'Anno Case and authorizes and directs the Mayor or his designee to execute the Agreement with the Law Firm.

BE IT FURTHER RESOLVED, by the City Council of the City of San Diego, that the Council authorizes the Chief Financial Officer or his designee to appropriate and expend an amount up to \$250,000 from the Public Liability 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



Kenneth R. So
Deputy City Attorney

KRS:jvg
April 24, 2018
5/15/18 COR. COPY
Or.Dept:City Attorney
Doc. No.: 1738018_4

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 22 2018.

ELIZABETH S. MALAND
City Clerk

By *Stacy Orland*
Deputy City Clerk

Approved: 5/30/18
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on MAY 22 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 MAY 30 2018

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

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

(Seal)

By *My Bundy*, Deputy

Office of the City Clerk, San Diego, California
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