

RESOLUTION NUMBER R- 311866

DATE OF FINAL PASSAGE JUL 20 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE RETENTION OF SEVENTEEN SELECTED LAW FIRMS IN VARIOUS AREAS OF LAW AND APPROVING THE CONTRACTS OF FOUR OF THESE LAW FIRMS WHERE THE TOTAL CUMULATIVE CONTRACT AWARDS EXCEED \$250,000 IN A FISCAL YEAR.

WHEREAS, the City Attorney's Office (Office) typically utilizes outside counsel to provide legal services whenever the Office has a conflict of interest, lacks expertise in a particular area of law, or lacks capacity to handle a particular matter; and

WHEREAS, the current process to engage outside counsel to represent the City of San Diego (City) is time-consuming and inefficient, which can cause substantial delays in City projects moving forward or put the city at a disadvantage in litigation; and

WHEREAS, when the City engages outside counsel, time is of the essence, which means that such services are often obtained using sole source justification; and

WHEREAS, the Office seeks to streamline the process for engaging outside counsel by obtaining City Council authorization as part of this resolution to have designated law firms on retainer to provide legal services to the City on an as-needed basis; and

WHEREAS, the City issued two Requests for Proposals (RFPs) in November 2017 and February 2018 seeking outside counsel in seven areas of law as follows: (1) Bankruptcy; (2) Employment Litigation, Internal Investigations, & Fact Findings; (3) Environmental Law, Land Use, and Litigation; (4) Police Excessive Force/Misconduct Litigation; (5) Insurance Coverage & Litigation; (6) Worker's Compensation; and, (7) Business and Financial Affairs; and

WHEREAS, a law firm could submit a proposal to provide legal services in one or more area of law; and

WHEREAS, pursuant to each RFP, a contract in an amount not to exceed \$250,000 is to be awarded to various selected law firms; and

WHEREAS, based on receiving the highest scores pursuant to these RFPs, 17 different law firms were selected to be awarded 19 different as-needed contracts in these various areas of law; and

WHEREAS, two law firms—Burke, Williams & Sorensen LLP (Burke Williams) and Gordon & Rees Scully Mansukhani, LLP (Gordon & Rees)—will each be awarded two contracts as a result of submitting proposals for both RFPs and being selected to provide as-needed legal services in both RFPs; and

WHEREAS, each contract to be awarded will be in a total amount not to exceed \$250,000 over a five-year term; and

WHEREAS, pursuant to San Diego Municipal Code section 22.3207, City Council approval is required where the contract awards for a single consultant or outside counsel will exceed \$250,000 in any given fiscal year; and

WHEREAS, the law firms of Burke Williams and Gordon & Rees will each have two contracts, each in an amount up to \$250,000, therefore, the total cumulative amount of contract awards to these two law firms exceeds \$250,000 in a single fiscal year; and

WHEREAS, two other law firms—Procopio, Cory, Hargreaves & Savitch LLP (Procopio Cory) and Colantuono, Highsmith & Whatley, PC (Colantuono Highsmith)—currently have separate engagement agreements with the City to handle other legal matters so the total

cumulative amount of contract awards to these each of these law firms exceeds \$250,000 in a single fiscal year; and

WHEREAS, given that these four law firms have contract awards that exceed \$250,000 in a single fiscal year, the Office is seeking City Council approval as to the contracts for these law firms; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the retention of selected law firms as set forth below to represent the City of San Diego on an as-needed rotational basis in the designated areas of law in an amount not to exceed \$250,000 per contract is authorized as follows:

1. Bankruptcy

- a. Gordon & Rees Scully Mansukhani, LLP
- b. Burke, Williams & Sorensen LLP
- c. Gupta Evan and Associates
- d. Danning, Gill, Diamond & Kollitz, LLP

2. Employment Litigation, Internal Investigations, and Fact Findings

- a. Liebert Cassidy Whitmore
- b. Atkinson, Andelson, Loya, Ruud & Romo
- c. Collins Collins Muir + Stewart LLP
- d. Meyers Nave Riback Silver & Wilson
- e. Lincoln, Gustafson & Cercos, LLP

3. Environmental Law, Land Use, and Litigation, including Clean Water Act and Stormwater Compliance Issues

- a. Meyers Nave Riback Silver & Wilson
- b. Burke, Williams & Sorensen, LLP


- c. Colantuono, Highsmith & Whatley, PC
 - d. Gordon & Rees Scully Mansukhani, LLP
 - e. Jones & Mayer
- 4. Police Excessive Force/Misconduct Litigation, including Alleged Violations of 42 USC Section 1983**
- a. Meyers Nave Riback Silver & Wilson
 - b. Burke, Williams & Sorensen, LLP
 - c. Hurrell Cantrall LLP
 - d. Collins Collins Muir + Stewart LLP
 - e. Daley & Heft, LLP
- 5. Insurance Coverage and Litigation**
- a. Procopio, Cory, Hargreaves & Savitch LLP
 - b. Burke, Williams & Sorensen, LLP
 - c. Artiano Shinoff Abed Blumenfeld Carelli Kostic Sleeth & Wade A PC
- 6. Worker's Compensation**
- a. Mullen and Plummer, APC
 - b. Artiano Shinoff Abed Blumenfeld Carelli Kostic Sleeth & Wade A PC
- 7. Business and Financial Affairs**
- a. Meyers Nave Riback Silver & Wilson
 - b. Colantuono, Highsmith & Whatley, PC
 - c. Burke, Williams & Sorensen, LLP
 - d. Gordon & Rees Scully Mansukhani, LLP
 - e. Schwartz, Sermerdjian Cauley & Moot LLP

BE IT FURTHER RESOLVED, that the City Council of the City of San Diego in accordance with San Diego Municipal Code section 22.3207 approves the contracts of Burke Williams, Gordon & Rees, Procopio Cory, and Colantuono Highsmith because the total cumulative amount of contract awards to each of these law firms is greater than \$250,000 in a fiscal year.

BE IT FURTHER RESOLVED, by the City Council of the City of San Diego that the Chief Financial Officer or his designee is authorized to expend an amount not to exceed a total amount of \$250,000 for each five-year contract with the seventeen law firms, for the purpose of funding as-needed outside counsel in various identified areas of law, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and the Chief Financial Officer furnishing one or more certificates certifying that 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:jdf
06/08/18
Or.Dept: City Attorney's Office
Doc. No.: 1756723

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL-10 2018.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

KEVIN L. FAULCONER, Mayor

Approved: 7/20/18
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUL 10 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 JUL 20 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 *Myrle Cole*, Deputy

Office of the City Clerk, San Diego, California
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