

ORDINANCE NUMBER O- 21036 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 11 2019

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A FIRST AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF SAN DIEGO AND BURKE, WILLIAMS & SORENSEN, LLP, TO PROVIDE NEGOTIATION SERVICES TO THE CITY, AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND SPECIFIED AMOUNTS UNDER THE FIRST AMENDMENT TO THE CONTRACT

WHEREAS, on May 20, 2014, by San Diego Resolution R-308989 (June 4, 2014), the San Diego City Council (Council) on behalf of the City of San Diego (City), a municipal corporation, approved a contract between the City and Burke, Williams & Sorensen, LLP (Consultant) for the Consultant to provide expert as-needed labor negotiations services to the City (Contract); and

WHEREAS, the Contract, which is on file in the Office of the City Clerk as Document No. RR-308989, was a two-year contract, with three one-year options to renew, which the City exercised; and

WHEREAS, the Contract now expires on June 19, 2019; and

WHEREAS, the City has a continuing need for the Consultant's labor negotiations services to allow the Consultant to complete projects, as directed or required by City officers and within the sole discretion of City officers, and to allow the City to engage in a competitive bidding process to identify a successor consultant; and

WHEREAS, the Consultant agrees to continue to provide labor negotiations services under the terms and conditions of the Contract and the First Amendment; and

WHEREAS, under San Diego Charter section 99, the First Amendment must be approved by an ordinance adopted by a two-thirds' majority vote of the Council members; and

WHEREAS, the First Amendment increases the not-to-exceed amount of the Contract by \$715,650 for a total not-to-exceed amount for the Contract of \$2,715,650; and

WHEREAS, the First Amendment also extends the term of the Contract for up to one additional year; and

WHEREAS, the Council wishes to approve the First Amendment; authorize the Mayor to execute the First Amendment; and authorize the Chief Financial Officer to expend and appropriate an amount not to exceed \$715,650 to pay for the remaining work under the Contract and its First Amendment, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal years and upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury; NOW, THEREFORE,

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

Section 1. That the Council approves the First Amendment to the Contract between the City and Burke, Williams & Sorensen, LLP, which is on file in the Office of the City Clerk as Document No. 00-21036; the First Amendment extends the previously approved Contract for negotiation services, set to expire on June 19, 2019, for up to one additional year under specified terms, and with a total amount to be paid to the Consultant under the Contract and First Amendment, of no more than \$2,715,650.

Section 2. That the Council authorizes the Mayor to execute the First Amendment to the Contract, which is on file in the Office of the City Clerk as Document No. 00-21036.

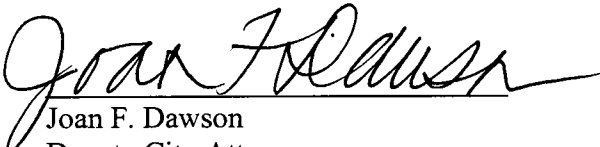
Section 3. That the Council authorizes the City's Chief Financial Officer to expend and appropriate an additional amount not to exceed \$715,650 for the purpose of compensating the Consultant for any additional work performed under the First Amendment to the Contract, with the additional expenditures to be made according to the most current available FTE allocation schedule.

Section 4. That the Council's authorization to the City's Chief Financial Officer to expend and appropriate an additional amount not to exceed \$715,650 over the full term of the Contract, including the First Amendment, is contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal years and upon the City's Chief Financial Officer first furnishing one or more certificates stating that funds necessary for the expenditures are, or will be, on deposit with the City Treasurer.

Section 5. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 6. 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 
Joan F. Dawson
Deputy City Attorney

JFD:jdf
11/13/18
Or.Dept: HR
Doc. No.: 1876134

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 08 2019.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 1/11/19
(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 JAN 08 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 11 2019.

AUTHENTICATED BY:

(Seal)

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

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

By Connie Patterson, 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

DEC 04 2018, and on JAN 11 2019.

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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