

Item 202  
3/11/19  
(R-2019-313)

RESOLUTION NUMBER R- 312248

DATE OF FINAL PASSAGE MAR 14 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AN OUTSIDE COUNSEL SOLE SOURCE CONTRACT WITH SOMACH, SIMMONS & DUNN FOR FERC REGULATORY LITIGATION RELATED TO THE SAN VICENTE RESERVOIR.

WHEREAS, the City of San Diego (“City”) and the San Diego County Water Authority (“CWA”) are exploring the viability of a San Vicente Energy Storage Facility (“SVESF”); and

WHEREAS, the State Water Resources Control Board (“SWRCB”) has assessed the City and CWA over \$200,000 in water certification fees pursuant to a funding formula that the City and CWA allege violates Proposition 218 and Proposition 26; and

WHEREAS, Somach Simmons & Dunn (“SS&D”) has consulted for the City’s Public Utilities Department (“PUD”) on legal matters related to the SVESF since 2014 and was engaged by both PUD and CWA to represent the agencies jointly to protest the premature imposition of the water certification fee by the SWRCB; and

WHEREAS, this Sole Source Legal Services Agreement with SS&D is necessary for the City to successfully conclude litigation authorized in 2017 following the SWRCB’s assessment;  
NOW, THEREFORE,

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

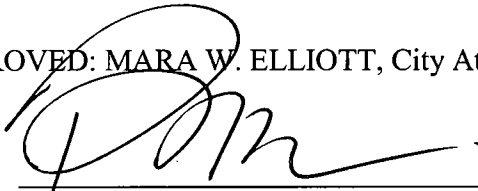
1. That the Mayor, or his designee, is authorized to execute, for and on behalf of the City, the Agreement with Somach Simmons & Dunn for legal services related to the San Vicente Energy Storage Facility in an amount not to exceed \$400,000 over five years, under the terms and conditions set forth in the Agreement on file with the City Clerk as Document No.

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2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$400,000 from Water Utility Operating Fund 700011 for the purpose of funding the Agreement with Somach Simmons & Dunn, provided that the Chief Financial Officer furnishes one or more certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Raymond C. Palmucci  
Deputy City Attorney

RCP:cw  
01/10/19

Or.Dept: Office of the San Diego City Attorney

CC No.: N/A

Doc. No.: 1906020

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 11 2019.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 3/14/19  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on MAR 11 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 MAR 14 2019

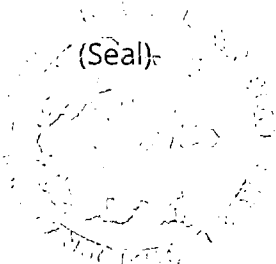
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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.

By Linda Irwin, Deputy



Office of the City Clerk, San Diego, California

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