

RESOLUTION NUMBER R- 312830

DATE OF FINAL PASSAGE JAN 30 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
AUTHORIZING THE RETENTION OF HUGO PARKER, LLP AS  
AN OUTSIDE COUNSEL CONSULTANT AND APPROVING AN  
AGREEMENT FOR CONSULTING SERVICES WITH HUGO  
PARKER, LLP.

WHEREAS, the City seeks to retain the Law Firm of Hugo Parker, LLP as an outside counsel consultant in regards to any issues involving asbestos containing material at any City owned or occupied building or facility; and

WHEREAS, on January 8, 2020, the Purchasing Agent approved the Request and Certification for Sole Source Procurement; and

WHEREAS, Hugo Parker, LLP (Law Firm) has the necessary skills and experience to assist the City in asbestos-related matters; and

WHEREAS, the agreement for legal services (Legal Services Agreement) accompanying this Resolution, between the City and the Law Firm is for an amount not to exceed \$150,000 for a two-year term; and

WHEREAS, the funding for the Legal Services Agreement shall be borne by: 1). the General Fund or Public Liability Fund when approved by Risk Management, or 2). the City Department seeking Law Firm's consulting services; and

WHEREAS, on October 8, 2019, the Law Firm of Hugo Parker, LLP was retained as outside counsel to represent the City and City employee Ronald Villa in *Alina Cadena, et al. v. City of San Diego, et al.*, Case No. 37-2019-00032076-CU-MC-CTL pursuant to a four-year agreement not to exceed \$300,000; and

WHEREAS, due to Law Firm's retention in the above-referenced litigation, the overall award to this consultant will exceed \$250,000, and City Council approval of this consultant

agreement is required pursuant to San Diego Municipal Code section 22.3207(a)(2).;

NOW THEREFORE,

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

1. That the City Attorney is authorized to retain the Law Firm as an outside counsel consultant in regards to any issues involving asbestos containing material at any City owned or occupied building or facility.

2. That the Legal Services Agreement is approved and the Mayor or his designee is authorized to execute for and on behalf of the City of San Diego, an agreement for legal services with the Law Firm for consulting services, in an amount not to exceed \$150,000 for a two-year term, under the terms and conditions set forth in the Legal Services Agreement.

3. That the Chief Financial Officer or his designee is authorized to appropriate and expend an amount not to exceed \$150,000 for the above Legal Services Agreement (1) from the General Fund or the Public Liability Fund, as may be approved by Risk Management and contingent upon the adoption of the Appropriation Ordinance for the applicable Fiscal Year, and contingent upon the Chief Financial Officer first issuing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury; or, (2) the City Department seeking Law Firm's consulting services shall approve and coordinate payment for such services from its funds.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
\_\_\_\_\_  
Jim McNeill  
Assistant City Attorney

JM:LMD:sc

01/13/2020

01/24/2020 COR. COPY

Or.Dept: City Attorney

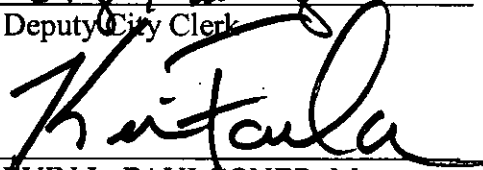
Doc. No.: 2299188

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 28 2020.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 1/30/2020  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on JAN 28 2020, 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 30 2020.

**(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.

(Seal)

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

By *Hy Chua*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 312830