

101
11/10/2020

(R-2021-166)

RESOLUTION NUMBER R- 313284

DATE OF FINAL PASSAGE NOV 17 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE AMENDMENT TO THE AGREEMENT FOR LEGAL SERVICES WITH BURKE, WILLIAMS & SORENSON, LLP, FOR AN AMOUNT NOT TO EXCEED \$250,000; AUTHORIZING AND DIRECTING THE MAYOR TO SIGN THE AGREEMENT; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND SPECIFIED AMOUNTS UNDER THE AGREEMENT

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 has been defended by Burke, Williams & Sorensen, LLP in the Dell'Anno Case since 2018, and that Burke, Williams & Sorensen, LLP possesses specialized knowledge and experience attendant with its two year defense of the City in the Dell'Anno Case, thereby, possessing unique knowledge and experience in this matter that is beyond that available in the Office of the City Attorney, and therefore the City desires to continue to utilize the services of Burke, Williams & Sorensen, LLP for the continued defense of the Dell'Anno Case; and

WHEREAS, this Amendment to the Agreement for Legal Services (Agreement) between the City and Burke, Williams & Sorensen, LLP 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 unless an extension is

approved by ordinance of the Council of the City of San Diego pursuant to San Diego Charter section 99; and

WHEREAS, the funding for the Agreement shall be borne by Public Liability Fund 720045; NOW, THEREFORE:

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council approves the Amendment to the Agreement and authorizes and directs the Mayor or his designee to sign the Agreement for legal services with Burke, Williams & Sorensen, LLP,

BE IT FURTHER RESOLVED, by the City Council of the City of San Diego, that the Council authorizes the Department of Finance or his designee to appropriate and expend an amount up to \$250,000 for the Amendment to the Agreement with Burke, Williams & Sorensen, LLP,

BE IT FURTHER RESOLVED, that the actions authorized herein are contingent upon the Department of Finance first furnishing one or more certificates certifying that the funds necessary for the authorized expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By s/Dave E. Abad
Dave E. Abad
Deputy City Attorney

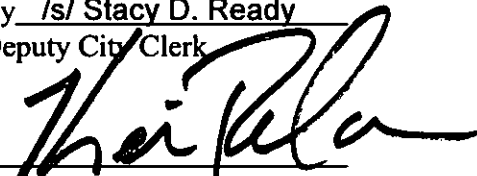
DA:gb
10/7/2020
Or.Dept: City Attorney
CC No. 3000013581
Doc. No.: 2489035

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 11/10/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk

Approved: 11/16/20
(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO: 3000013581
1515

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: _____ \$250,000.00

Vendor: Burke, Williams & Sorensen, LLP

Purpose: Amendment to the Contract for Legal Services with Burke, Williams & Sorensen, LLP relating to Dell'Anno v. City of San Diego, et al.

Date: October 19, 2020 By: Justin Byko
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	720045			OTHR-00000000-GG	512042	1515	1515000011		\$250,000.00
TOTAL AMOUNT									\$250,000.00

FUND OVERRIDE
3000013581

Passed by the Council of The City of San Diego on NOV 10 2020, by the following vote:

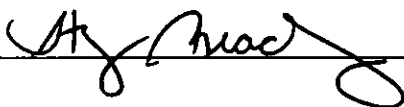
Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris 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 NOV 17 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 , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313284