

RESOLUTION NUMBER R- 314276

DATE OF FINAL PASSAGE AUG 09 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE THIRD AMENDMENT TO
THE AS-NEEDED AGREEMENT WITH MEYERS NAVE
RIBACK SILVER & WILSON TO PROVIDE CONTINUED
LEGAL SERVICES AS PANEL OUTSIDE COUNSEL.

WHEREAS, in November 2017 and February 2018, the City of San Diego (City) issued Requests for Proposals (RFPs), seeking to retain panel outside counsel in seven areas of law on an as-needed basis, in order to streamline the process for engaging outside counsel, to avoid delays in City projects moving forward and putting the City at a disadvantage in litigation; and

WHEREAS, on July 20, 2018, by San Diego Resolution R-311866 (July 20, 2018), the City Council (Council) approved the retention of 17 different law firms to represent the City in these seven areas of law, including the law firm of Meyers Nave Riback Silver & Wilson, now legally known and referred to as Meyers Nave (Law Firm), to represent the City in the areas of “Employment Litigation, Internal Investigations, and Litigation, including Clean Water Act and Stormwater Compliance Issues,” “Police Excessive Force/Misconduct Litigation,” and “Business and Financial Affairs” (Contract); and

WHEREAS, the Contract awarded to the Law Firm was in an amount not to exceed \$250,000; and

WHEREAS, on January 26, 2021, by San Diego Resolution R-313417 (Jan. 27, 2021), the Council approved the First Amendment to the Contract to increase the not-to-exceed contract amount from \$250,000 to \$500,000; and

WHEREAS, the additional funds under the First Amendment were necessary to allow the Law Firm to defend the City in an employment discrimination lawsuit brought by a management-level City employee and to represent the City in three debarment-related litigation matters involving a City vendor; and

WHEREAS, on September 20, 2021, by San Diego Resolution R-313711 (Oct. 4, 2021), the Council approved the Second Amendment to the Contract to increase the not-to-exceed amount from \$500,000 to \$850,000; and

WHEREAS, the additional funds under the Second Amendment were necessary to have the Law Firm continue to represent the City in various litigation matters as well as to take on additional work related to drafting the ordinance to implement the Commission on Police Practices (CPP) and to advise the Council on a proposed ordinance related to police reform referred to as the PrOTECT Ordinance, which was submitted to the Council through Council District 4 by a community-based organization; and

WHEREAS, the proposed Third Amendment to increase the Contract by an additional \$350,000 is necessary to allow the Law Firm to defend the City in a wrongful termination lawsuit brought by a former Senior Chief Deputy City Attorney because the City Attorney's Office lacks the capacity to handle the matter; and

WHEREAS, this proposed increase to the Contract through a Third Amendment will allow the Law Firm to continue representing the City on an as-needed basis, by authorizing payment on any remaining matters and taking on additional work during the remainder of the five-year Contract term; and

WHEREAS, the Council must approve the Third Amendment to the Contract in accordance with San Diego Municipal Code section 22.3207 because the additional funds will increase the City's total expenditure for the Law Firm's services to more than \$250,000; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council approves and authorizes the Mayor or his designee to execute the Second Amendment to the Contract with the Law Firm, in a total amount not to exceed \$1.2 million (reflecting the \$350,000 increase, above the current \$850,000 contract amount).

BE IT FURTHER RESOLVED, that the Council authorizes the Chief Financial Officer or his designee to appropriate and expend an amount of \$350,000 (not to exceed \$1.2 million for the overall Contract) for purposes of funding the Third Amendment to the Contract, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year in which the funds will be expended 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 /s/ Ken So
Ken So
Chief Deputy City Attorney

KRS:cm
July 28, 2022
Or.Dept: City Attorney
Doc. No. 3041239

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 01 2022.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 8/8/22
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on August 1, 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 09 2022

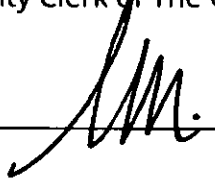
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
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

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