

204
09/12/2022

(R-2023-11)

RESOLUTION NUMBER R- 314309

DATE OF FINAL PASSAGE: SEP 13 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING RETENTION OF THE LAW OFFICES OF DORN G. BISHOP AS OUTSIDE COUNSEL TO PROVIDE SPECIALIZED LEGAL SERVICES IN CONNECTION WITH THE FORMER NAVAL TRAINING CENTER BOAT CHANNEL

WHEREAS, the City of San Diego (City) requires specialized legal services to assist the City in evaluating whether and to what extent insurance coverage may be available to indemnify and defend the City against environmental liability claims in connection with the former Naval Training Center (NTC) Boat Channel, and to pursue and manage insurance coverage; and

WHEREAS, the City Attorney's Office (CAO) does not have the necessary expertise or personnel available to perform the specialized legal services; and

WHEREAS, the Law Offices of Dorn G. Bishop (Bishop) has the necessary legal expertise and experience to perform the specialized legal services; and

WHEREAS, San Diego Municipal Code (SDMC) sections 22.3016(a) and 22.3208(d) allow the City to award a contract without a competitive process when that process would be unavailing or would not produce an advantage, and therefore would be undesirable, impracticable, or impossible (sole source contract); and

WHEREAS, on September 16, 2021, in accordance with SDMC section 22.3016, the Director of the Purchasing and Contracting Department certified that a sole source contract is necessary and justified in this matter; and

WHEREAS, the City desires to retain Bishop to provide the necessary specialized legal services; and

WHEREAS, the agreement for legal services between the City and Bishop is for a term of up to five years and in an amount not to exceed \$150,000; and

WHEREAS, this item was briefed to the City Council in Closed Session on August 2, 2022; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the retention of The Law Offices of Dorn G. Bishop, APC, as outside counsel is approved under Charter section 40 to provide specialized legal services related to insurance defense and indemnity coverage for environmental liability claims in connection with the NTC Boat Channel.

BE IT FURTHER RESOLVED, that the Chief Financial Officer, or designee, is authorized to expend an amount not to exceed \$150,000 in accordance with the retention agreement to be entered into between the City and The Law Offices of Dorn G. Bishop, utilizing the Stormwater Department's Operating Budget solely and exclusively to provide funds for the legal services agreement, contingent upon City Council approval of the Annual Appropriations Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Nicole M. Denow
Nicole M. Denow
Deputy City Attorney

NMD:jdf
08/24/2022
Or.Dept: City Attorney
Doc. No.: 3050225

I certify that this Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 12 2022.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 9/13/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 12 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 SEP 13 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:

(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

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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