

ORDINANCE NUMBER O- 21668

DATE OF FINAL PASSAGE JUN 27 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE FOURTH 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, on August 9, 2022, by San Diego Resolution R-314276 (August 9, 2022), the Council approved the Third Amendment to the Contract to increase the not-to-exceed amount from \$850,000 to \$1,200,000.

WHEREAS, additional funds under the Third Amendment were necessary to allow the Law Firm to continue to defend the City in an employment discrimination lawsuit brought by a management-level City employee and to represent the City in a wrongful termination lawsuit brought by a former Senior Chief Deputy City Attorney, which engagement was subsequently abandoned.

WHEREAS, the additional funds under the Third Amendment allowed the City to add additional scope of work assignments for two other matters in litigation involving a utility

relocation dispute and a property damage claim.

WHEREAS, the proposed Fourth Amendment to extend the term of the Contract by an additional five (5) years is necessary to allow continuity of representation in various legal matters and the Law Firm to continue the representation of the City in an appeal for a utility location dispute with SDG&E, and an inverse condemnation case involving a reservoir spill because the City Attorney's Office lacks the capacity to handle these matters; and

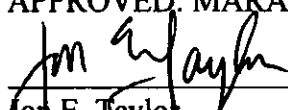
WHEREAS, this proposed extension of the term of the Contract through a Fourth Amendment will allow the Law Firm to continue representing the City on an as-needed basis, by authorizing payment on the remaining matters through conclusion of these matters; and

WHEREAS, the Council must approve the Fourth Amendment to the Contract in accordance with San Diego Charter section 99 because the term of the extended Contract will exceed five years; NOW, THEREFORE,

BE IT ORDAINED, by the City Council of the City of San Diego, that the Council approves and authorizes the Mayor or his designee to execute the Fourth Amendment to the Contract with the Law Firm, to extend the contract term through August 7, 2028 and to continue uninterrupted payment of invoices in the previously authorized total amount not to exceed \$1.2 million.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
\_\_\_\_\_  
Jon E. Taylor  
Senior Deputy City Attorney

JET:sb  
May 22, 2023  
Or. Dept: City Attorney  
Doc. No. 3298974

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 20 2023.

DIANA J.S. FUENTES  
Interim City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 6/27/23  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 20 2023, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<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 JUN 27 2023.

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUN 06 2023, and on JUN 27 2023.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES  
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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