

#57

7/25/23

(O-2023-199)

ORDINANCE NUMBER O - 21704

DATE OF FINAL PASSAGE AUG 04 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE FIRST AMENDMENT TO
THE AGREEMENT WITH THE LAW FIRM OF MULLEN AND
PLUMMER APC TO PROVIDE CONTINUED AS-NEEDED
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 on an as-needed basis in these seven areas of law, including the law firm of Mullen and Plummer APC (Law Firm) to represent the City in the area of "Workers' Compensation"; and

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

WHEREAS, the Law Firm will soon exceed the maximum contract time limit of five-years, with its term presently set to end on August 9, 2023; and

WHEREAS the City Attorney's Office proposed First Amendment to extend the term of the Contract by an additional two (2) years is necessary to allow continuity of representation in various legal matters and the Law Firm to continue the representation of the City in in the trial proceedings and potential appeals of a pending workers compensation case because the City Attorney's Office has a conflict of interest in the matter; and

WHEREAS, an increase of two-years, which would raise the total contract time to seven-years, is necessary to avoid a disruption in the Law Firm's services that would impede the current work that the Law Firm is performing; and

WHEREAS, the Council must approve the First 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 First Amendment to the Contract with the Law Firm, to extend the contract term through August 9, 2025 and to continue uninterrupted payment of invoices in the previously authorized total amount not to exceed \$250,000.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Diana Adams
Senior Chief Deputy City Attorney

DA:cm
June 20, 2023
Or.Dept:City Attorney

(O-2023-199)

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUL 25 2023.

DIANA J.S. FUENTES
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 8/4/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 25 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 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"/>
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 AUG 04 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 Kristell Medina, 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

JUL 11 2023

, and on AUG 04 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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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