

ORDINANCE NUMBER O - 21706

DATE OF FINAL PASSAGE AUG 04 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SECOND AMENDMENT TO
THE AGREEMENT WITH THE LAW FIRM OF HURRELL
CANTRALL LLP 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 Hurrell Cantrall LLP (Law Firm) to represent the City in the area of "Police Excessive Force/Misconduct Litigation"; and

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

WHEREAS, on February 25, 2022, by San Diego Resolution R-313900, the Council approved an increase to the Legal Services Agreement in an amount not to exceed \$550,000; and

WHEREAS, the City requires the legal services of the Law Firm to continue to defend the City in the last of the four lawsuits in light of the approaching Pre-Trial Conference and Trial dates; 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 is now seeking to extend the five-year contract by one-year, to a six-year contract; and

WHEREAS, an increase of \$300,000 to the Legal Services Agreement, which would raise the total not-to-exceed amount from \$550,000 to \$850,000, 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 Office of the City Attorney has prepared a proposed Second Amendment to the Legal Services Agreement (Second Amendment), which would increase the maximum contract expenditure for the Law Firm by \$300,000; and

WHEREAS, the Office of the City Attorney is not seeking funding for this action because the funding will come from funds already appropriated by the City Council from various City departments such as the Risk Management Department; and

WHEREAS, the Council must approve the Second 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, as follows:

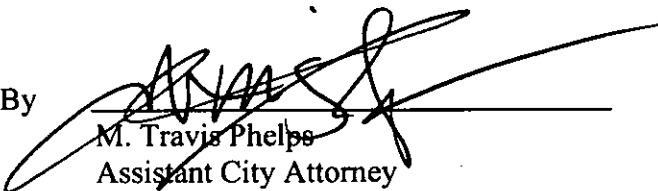
1. That the Second Amendment to the Legal Services Agreement with Law Firm is approved, and the Mayor or his designee is authorized to execute the Second Amendment to the legal services agreement with the Law Firm, to increase the term of the contract by one year, for a total not to exceed six years, and the total not-to-exceed amount to \$850,000 from \$550,000, for a total of \$300,000 for the Second Amendment.

2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$300,000 (with a total not to exceed amount of \$850,000 for this contract) from Public Liability Fund No.720045 for purposes of funding the Second Amendment to the Contract, with the authorization contingent upon the adoption of the Annual Appropriation Ordinance for the

applicable fiscal year 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


M. Travis Phelps
Assistant City Attorney

JSM:cm

June 20, 2023

Or.Dept:City Attorney

CC No.: 3000015953

Doc. No.: 3335092

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


Deputy City Clerk

Approved:

8/4/23
(date)


TODD GLORIA, Mayor

Vetoed:

(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000015953
DEPT. NO. 1211

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: \$300,000.00

Purpose: Second Amendment to Agreement with Hurrell & Cantrall LLP

Date: June 27th, 2023 Lauren Rehkopf *Lauren Rehkopf*

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		\$300,000.00
TOTAL AMOUNT									\$300,000.00

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: _____

Vendor: _____

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									

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 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"/>
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:

(Seal)

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

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

Ordinance Number O- 21706