

# 339  
06/06/2023

(R-2023-653 REV.)

RESOLUTION NUMBER R- 314963

DATE OF FINAL PASSAGE JUN 12 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FIRST AMENDMENT TO THE AS-NEEDED AGREEMENT WITH GORDON REES SCULLY MANSUKHANI, LLP 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 on an as-needed basis in these seven areas of law, including the law firm of Gordon Rees Scully Mansukhani, LLP (Law Firm); and

WHEREAS, the Council approved two contracts each in an amount not to exceed \$250,000; and

WHEREAS, one of the contracts approved by the Council was for the Law Firm to represent the City in the area of "Bankruptcy" (Bankruptcy Contract) and the other contract was for the Law Firm to represent the City "Environmental Law, Land Use, and Litigation, including Clean Water Act and Stormwater Compliance Issues", and "Business and Financial Affairs" (Contract); and

WHEREAS, the City Attorney's Office (Office) is now seeking an increase only to the not-to-exceed amount of the Contract and does not seek any amendment to the Bankruptcy Contract; 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, the proposed First Amendment to increase the Contract by an additional \$600,000 is necessary to allow the Law Firm to continue to defend the City in a motor vehicle liability case set for trial in May 2023, as well as to represent the City in a wrongful termination lawsuit brought by a former Senior Chief Deputy City Attorney set for trial in June 2024, because the City Attorney's Office lacks the capacity to handle the matter; and

WHEREAS, this proposed increase to the Contract through a First 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 six-year Contract term; and

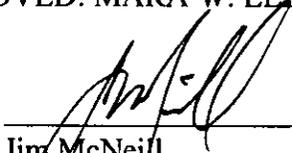
WHEREAS, this Office seeks Council approval of the First Amendment to the Contract; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; 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 First Amendment to the Contract with the Law Firm, in a total amount not to exceed \$850,000 (reflecting the \$600,000 increase above the current \$250,000 contract amount) and to extend the five-year contract by one year, through August 8, 2024, for a term not to exceed six years.

BE IT FURTHER RESOLVED, Council authorizes the Chief Financial Officer or his designee to appropriate and expend an amount of \$600,000 (not to exceed \$850,000 for the overall Contract) for purposes of funding the First 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.

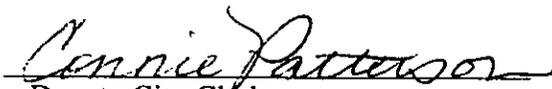
APPROVED: MARA W. ELLIOTT, City Attorney

By   
Jim McNeill  
Assistant City Attorney

JSM:nst  
April 28, 2023  
June 6, 2023 REV.  
Or.Dept: City Attorney  
CC No. 3000015760  
Doc. No. 3324947

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 06 2023.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 6/12/23  
(date)

  
TODD GLORIA, Mayor

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

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



Passed by the Council of The City of San Diego on JUN 06 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 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 JUN 12 2023.

**(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)

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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