

RESOLUTION NUMBER R- 314990

DATE OF FINAL PASSAGE JUN 21 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE RETENTION OF
ALESHIRE & WYNDER, LLP AS OUTSIDE COUNSEL FOR
MATTERS RELATED TO THE 2024 ELECTION.

WHEREAS, in 2024, the City of San Diego (City) will hold a primary election in March 2024 and a general election in November 2024 (Election) in which voters will elect two citywide officials, the Mayor and City Attorney, and councilmembers for Council Districts 1, 3, 5, 7, and 9; and

WHEREAS, the City of San Diego (City) has a need for legal services to advise the City, including the City Clerk’s Office, on any election law or other legal issues that may arise relating to Election where the Office of the City Attorney has a conflict-related concern with providing legal representation; and

WHEREAS, the Office of the City Attorney conducted an informal process to select a firm that could provide the required legal services; and

WHEREAS, the Office of the City Attorney researched law firms in California having an elections law practice, identified firms with such practice, and solicited from them proposals to provide the election-related legal services. The Office of the City Attorney then interviewed four of the firms that submitted proposals and selected Aleshire & Wynder, LLP (Aleshire) based on its qualifications, experience, and rates; and

WHEREAS, election law is one of Aleshire’s leading specialties. Aleshire advises public entities and has been the appointed city attorney for many cities, and general counsel for many special districts throughout California; and

WHEREAS, Aleshire & Wynder, LLP has the necessary skills and experience to assist the City in this matter; and

WHEREAS, on May 26, 2023, the Purchasing Agent approved the Request and Certification for Sole Source Procurement; and

WHEREAS, pursuant to San Diego City Charter Article 5, section 40, the Council of the City of San Diego is empowered to employ outside counsel when such assistance or advice is necessary; and

WHEREAS, the anticipated amount for this engagement is \$50,000, to be paid from the City Attorney's Office's budget; and

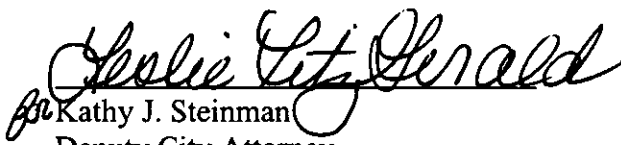
WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego as follows:

1. The Office of the City Attorney is authorized to retain Aleshire & Wynder, LLP, as outside counsel under such agreements or contracts for as-needed services as the City Attorney or specified designee shall approve to advise the City of San Diego on any election law or other legal issues that may arise relating to 2024 primary or general election where the Office of the City Attorney has a conflict-related concern with providing legal representation.

2. The Chief Financial Officer or his designee is authorized to appropriate and expend an amount not to exceed \$50,000.00 from the General Fund, Fund Number 100000 for the retention of Aleshire & Wynder, LLP as outside counsel, contingent upon the Chief Financial Officer first issuing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Kathy J. Steinman
Deputy City Attorney

KJS:jvg
May 26, 2023
Or.Dept: City Attorney
CC No. 3000015879
Doc. No. 3318542

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 13 2023

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 6/20/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000015879
 DEPT. NO.: B A: 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: _____

Purpose: _____

Date: _____

By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
TOTAL AMOUNT									

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: \$30,000.00

Vendor: Aleshire & Wynder, LLP

Purpose: To authorize the expenditure of funds to retain Aleshire & Wynder, LLP to perform legal services to advise the City of San Diego on any election law or other legal issues that may arise related to the 2024 San Diego Primary and General Election.

Date: June 8, 2023

By: Alyssa Yopez *Alyssa Yopez*
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1		100000		512028	OTHR-00000000-GG	1211	1211111111	12004941	\$30,000.00
TOTAL AMOUNT									\$30,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on JUN 13 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 JUN 21 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

Interim City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **314990**