

RESOLUTION NUMBER R- 315003

DATE OF FINAL PASSAGE JUN 26 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO FOR AUTHORIZATION TO RETAIN OUTSIDE  
COUNSEL AND ENTER INTO AN AGREEMENT WITH  
NOSSAMAN, LLP TO PROVIDE LEGAL SERVICES FOR THE  
CITY OF SAN DIEGO'S PURE WATER PROGRAM.

WHEREAS, the City of San Diego is currently engaged in the construction of its Pure Water Program which currently involves the construction of nine separate construction projects with the work being performed by seven separate contractors; and

WHEREAS, due to the unusual and complex nature of the legal issues involved, the City Attorney's Office does not have the necessary expertise to advise the City on all areas of law that are needed; and

WHEREAS, due to a heavy workload, the City Attorney's Office does not have sufficient capacity to advise the City on the construction claims arising from the Pure Water construction projects; and

WHEREAS, the City Attorney's Office solicited proposals to provide counsel to the City on the Pure Water Program through Solicitation No. 10090007-23-V for outside legal counsel for Pure Water and Nossaman, LLP was selected due to its expertise in representing public agencies on large scale infrastructure projects exceeding \$500 million in value; and

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

WHEREAS, the requested amount for this engagement is \$5,000,000 to be paid from Funds 700009, Metro Sewer CIP, 700010, Water Utility CIP Fund, 700001 Metro Sewer Fund or 700011, Water Utility Operating Fund depending on if the work is capital in nature or eligible for loan proceeds; and

WHEREAS, pursuant to San Diego Municipal Code section 22.3207, contracts over \$250,000 with outside counsel must be approved by the City Council; and

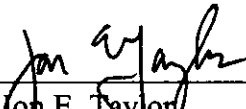
WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

1. That the City Attorney is authorized to retain Nossaman, LLP as outside counsel to advise the City on all issues related to the Pure Water Program in an amount not to exceed \$5,000,000.
2. That the Agreement is approved and the Mayor or his designee is authorized to execute for and on behalf of the City of San Diego, an Agreement for Legal Services with Nossaman, LLP for legal services and expenses incurred in matters related to the Pure Water Program, in an amount not to exceed \$5,000,000, under the terms and conditions set forth in the Agreement for Legal Services on file in the Office of the City Attorney.
3. That the Chief Financial Officer or his designee is authorized to appropriate and expend an amount not to exceed \$5,000,000 from Funds 700009, Metro Sewer CIP, 700010, Water Utility CIP Fund, 700001, Metro Sewer Fund or 700011, Water Utility Operating Fund depending on if the work is capital in nature or eligible for loan proceeds, to provide funds for the above Agreement, 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   
Jon E. Taylor  
Senior Deputy City Attorney

JET:sab  
May 10, 2023  
June 13, 2023 – COR. COPY  
Or.Dept: CAO  
Doc. No. 3300608

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

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 6/26/23  
(date)

  
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 26 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- **315003**