

RESOLUTION NUMBER R- 316936

DATE OF FINAL PASSAGE SEP 29 2026

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SECOND AMENDMENT  
TO THE LEGAL SERVICES AGREEMENT WITH  
NOSSAMAN LLP.

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

- A. On August 8, 2023, the San Diego City Council passed Resolution Number R-315085 authorizing the retention of eleven selected law firms in various practice areas of law as outside counsel. One of the eleven firms was Nossaman LLP (Law Firm).
- B. On or about September 6, 2023, the City and Law Firm entered into a Legal Services Agreement (Agreement) for a term not to exceed 5 years and in an amount not to exceed \$500,000.00.
- C. On April 23, 2026, City Council adopted Resolution R-316732 authorizing the First Amendment to the Agreement, increasing the total not-to-exceed amount by \$1,000,000.00 to \$1,500,000.00.
- D. On June 12, 2026, the City and Law Firm executed the First Amendment, increasing the Agreement's not-to-exceed amount to \$1,500,000.00.
- E. The City Attorney's Office (Office) is now seeking an increase only to the not-to-exceed amount of the Agreement and does not seek any other amendment to the Agreement.
- F. The proposed Second Amendment to increase the Agreement by an additional \$1,000,000.00 is necessary to allow the Law Firm to continue to represent the City in litigation over federal trespass on City-owned land and defense of an inverse condemnation

action related to outflows from the El Capitan Dam, and defense of the litigation *El Monte Nature Preserve, LLC v. City of San Diego*, San Diego Superior Court Case No. 24CU006575C, as well as to allow Law Firm to assist in other matters as may become necessary.

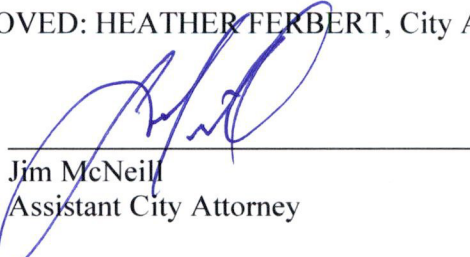
ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Mayor or his designee is authorized to execute the Second Amendment to the Agreement with the Law Firm to add \$1,000,000.00 to the Agreement for a total not-to-exceed amount of \$2,500,000.00.
2. The Chief Financial Officer is authorized to expend a not-to-exceed amount of \$1,000,000.00, for a total not-to-exceed amount of \$2,500,000.00, to pay for legal services under the Second Amendment to the Agreement, 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: HEATHER FERBERT, City Attorney

By

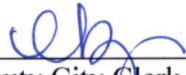
  
\_\_\_\_\_  
Jim McNeill  
Assistant City Attorney

JSM:mgm  
August 12, 2026  
Or. Dept: City Attorney  
Doc. No. 4520241

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held  
on

SEP 15 2026

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 9/28/26  
(date)

  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on September 15, 2026, 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"/> |
| Henry L. Foster III | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Marni von Wilpert   | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" 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 SEP 29 2026.

**(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 , Deputy

Office of the City Clerk, San Diego, California

Resolution Number **R-316936**