

Item 50
9/15/2020

Item 50/ 07/28/2020
(O-2020-131)

ORDINANCE NUMBER O- 21232

DATE OF FINAL PASSAGE SEP 22 2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING AMENDMENT NO. 3 TO THE AGREEMENT FOR LEGAL SERVICES WITH GORDON REES SCULLY MANSUKHANI, LLP, FOR AN AMOUNT NOT TO EXCEED \$100,000; AUTHORIZING AND DIRECTING THE MAYOR TO SIGN THE AMENDMENT; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND SPECIFIED AMOUNTS UNDER THE AMENDMENT

WHEREAS, on November 18, 2003, the De Anza Homeowners Association filed a class action lawsuit against the City entitled, *De Anza Cove Homeowners Association, et al. v. City of San Diego*, San Diego Superior Court Case No. GIC 821191. The lawsuit alleged various causes of action, including violations of the state’s Mobilehome Residency Law; and

WHEREAS, a second lawsuit was filed in 2009 by residents who had previously settled with the City and agreed to vacate the property by 2008. This lawsuit entitled, *Aglio, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2009-00081994-CU-EI-CTL, seeks to set aside the settlement agreements and allow these residents to seek remedies similar to the De Anza lawsuit; and

WHEREAS, an unlawful detainer action judgment was obtained against one of the park residents, Alice Howard. Ms. Howard thereafter paid rent into the San Diego Superior Court during the pendency of her unsuccessful appeal. Both the City and Ms. Howard filed petitions to claim the rent payments in actions entitled *Alice Howard v. City of San Diego*, San Diego Superior Court Case No. 37-2018-00037598-CU-PT-CTL and *City of San Diego v. Superior Court*, San Diego Superior Court Case No. 37-2018-00058573-CU-PT-CTL; and

Section 2. That the Chief Financial Officer is authorized to appropriate and expend an amount up to \$100,000 for Amendment No. 3 to the Agreement for Legal Services with Gordon Rees Scully Mansukhani, LLP, from the Public Liability Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for these expenditures are, or will be, on deposit with the City Treasurer.

Section 3. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

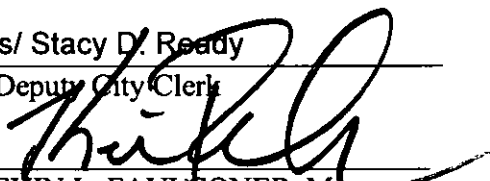
By: /s/ David J. Karlin
David J. Karlin
Senior Chief Deputy City Attorney

DJK:aml
June 19, 2020
Or. Dept: City Attorney's Office
Doc. No.: 2408015

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 09/15/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Stacy D. Ready
Deputy City Clerk


KEVIN L. FAULCONER, Mayor

Approved: 9/21/2020
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

"The date of the final passage is September 11, 2020, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval."