

RESOLUTION NUMBER R- 313711

DATE OF FINAL PASSAGE OCT 04 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SECOND AMENDMENT TO
THE CONTRACT BETWEEN THE CITY OF SAN DIEGO AND
THE LAW FIRM OF MEYERS NAVE TO PROVIDE
CONTINUED LEGAL SERVICES AS PANEL OUTSIDE COUNSEL.

WHEREAS, in November of 2017 and February of 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 in these seven areas of law, including the law firm of Meyers Nave Riback Silver & Wilson, now legally known and referred to as Meyers Nave (Law Firm), to represent the City in the areas of "Employment Litigation, Internal Investigations, and Litigation, including Clean Water Act and Stormwater Compliance Issues," "Police Excessive Force/Misconduct Litigation," and "Business and Financial Affairs" (Contract); and

WHEREAS, the Contract awarded to the Law Firm was in an amount not to exceed \$250,000; and

WHEREAS, on January 26, 2021, by San Diego Resolution R-313417 (Jan. 27, 2021), the Council approved the First Amendment to the Contract to increase the not-to-exceed contract amount from \$250,000 to \$500,000; and

WHEREAS, the additional funds were necessary to allow the Law Firm to defend the City in an employment discrimination lawsuit brought by a management-level City employee and to represent the City in three debarment-related litigation matters involving a City vendor; and

WHEREAS, when the First Amendment was before the Council for consideration in January of 2021, the City Attorney's Office advised that additional funds may be necessary if the debarment and related actions and the employment litigation could not be timely resolved; and

WHEREAS, the employment lawsuit has now been resolved through a settlement; however, resolution was more difficult than anticipated because of some adverse rulings. Further, there was extensive discovery required to achieve the settlement; and

WHEREAS, the Law Firm has now resolved the debarment action against the City vendor as well as the two other litigation matters filed by the vendor against the City; and

WHEREAS, the Law Firm also worked with the City's real estate assets staff on a property-related matter involving the former downtown library building; and

WHEREAS, additional funds must be added to the Contract to allow for payment to the Law Firm for the services it has already provided to the City; and

WHEREAS, the City Attorney's Office is also recommending Council approval of a Second Amendment to the Contract to increase the total not-to-exceed amount to \$850,000 from \$500,000, to allow the Law Firm to draft the ordinance to implement the Commission on Police Practices (CPP) and to advise the Council on a proposed ordinance related to police reform, referred to as the PrOTECT Ordinance, which was submitted to the Council through Council District 4, by a community-based organization; and

WHEREAS, Councilmember Montgomery Steppe and her staff have interviewed the Law Firm representatives, and are recommending that the Law Firm handle the legal work necessary on the CPP and PrOTECT ordinances, which the City Attorney's Office is unable to perform due to workload issues; and

WHEREAS, this proposed increase to the Contract through a Second Amendment will allow the Law Firm to continue representing the City on an as-needed basis, by authorizing payment on any remaining matters in the litigation cases and taking on additional work during the remainder of the five-year Contract term; and

WHEREAS, the Council must approve the Second Amendment to the Contract in accordance with San Diego Municipal Code section 22.3207 because the additional funds will increase the City's total expenditure for the Law Firm's services to more than \$250,000; 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 Second Amendment to the Contract with the Law Firm, to increase the total not-to-exceed amount to \$850,000 from \$500,000.

BE IT FURTHER RESOLVED, that the Council authorizes the Chief Financial Officer or his designee to expend an amount not to exceed \$850,000 for purposes of funding the Second 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.

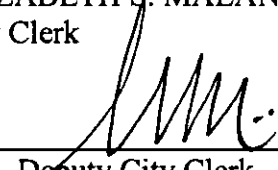
2 APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Joan F. Dawson
Joan F. Dawson
Senior Deputy City Attorney

JFD:jep
September 17, 2021
Or.Dept: City Attorney
Doc. No.: 2757551

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 20 2021.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/4/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 20 2021, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 OCT. 04 2021.

(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)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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