

RESOLUTION NUMBER R- 314241

DATE OF FINAL PASSAGE JUL 21 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
AUTHORIZING THE SECOND AMENDMENT TO THE
CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF
SAN DIEGO AND HUGO PARKER, LLP FOR LEGAL
CONSULTING SERVICES

WHEREAS, on January 28, 2020, City Council approved a two-year, as-need legal services agreement in an amount not-to-exceed \$150,000 with Hugo Parker, LLP as an outside counsel consultant to assist the City with issues involving asbestos containing material at any City owned or occupied building or facility, including review of relevant City policies and procedures (Agreement); and

WHEREAS, on April 21, 2020, the City executed a First Amendment to the Agreement increasing the not-to-exceed amount to \$350,000 to allow Consultant to oversee a comprehensive forensic review of the events leading to asbestos-related complaints involving the commercial building at 101 Ash Street (101 Ash Building); and

WHEREAS, the Agreement contemplated the need to retain Hugo Parker, LLP in litigation matters involving asbestos at any City-owned or occupied building or facility and contemplated that the City could exercise the option to retain Hugo Parker, LLP in such litigation matters subject to City Council approval; and

WHEREAS, the City now seeks authorization to retain Hugo Parker, LLP as the City's counsel in all pending and future litigation matters involving allegations of asbestos exposure at 101 Ash Street including, but not limited to, the following pending matters presently known to the City: (a) *Adams, et al. v. City of San Diego*, SDSC No. 37-2022-00006091-CU-PO-CTL; (b)

Bahena, et al. v. City of San Diego, et al., SDSC No. 37-2021-00007004-CU-AS-CTL; (c) *Guerrero v. City of San Diego, et al.*, SDSC No. 37-2021-00001137-CU-PO-NC; (d) *Perez v. City of San Diego, et al.*, SDSC No. 37-2021-00006704-CU-OE-CTL; and, (e) *Rose v. CBRE Group, Inc., et al.*, SDSC No. 37-2022-00018805-CU-MC-CTL; and

WHEREAS the City Attorney's Office seeks to enter into the Second Amendment to the Agreement to do the following: (1) exercise the option to retain Hugo Parker, LLP as the City's counsel in all pending and future litigation matters involving allegations of asbestos exposure at the 101 Ash Building, (2) increase the not-to-exceed amount by \$250,000 to \$600,000 from \$350,000 to cover the anticipated cost of these litigation matters and as-needed future consulting work; and, (3) extend the term of the agreement to December 31, 2024; and

WHEREAS, City Council approval of this amendment is required pursuant to San Diego Municipal Code section 22.3207(a)(2) because the total contract awards to Hugo Parker, LLP exceed \$250,000 in a fiscal year; NOW THEREFORE,

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

1. That the Second Amendment to the Legal Services Agreement with Hugo Parker, LLP is approved and the Mayor or his designee is authorized to execute the Second Amendment for and on behalf of the City of San Diego, which exercises the option under the Agreement to retain Hugo Parker, LLP as outside counsel in all pending and future litigation matters involving asbestos exposure at the 101 Ash Building, amends the Agreement to increase the total not-to-exceed amount to \$600,000, and extends the term of the Agreement to December 31, 2024.

2. That the Chief Financial Officer or his designee is authorized to appropriate and expend an amount not to exceed \$600,000 for the above Legal Services Agreement (1) from the General Fund or the Public Liability Fund, as may be approved by Risk Management and

contingent upon the adoption of the Appropriation Ordinance for the applicable Fiscal Year, and 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; or, (2) from the City Department seeking Law Firm's consulting services, who shall approve and coordinate payment for such services from its funds.

APPROVED: MARA W. ELLIOTT, City Attorney

By s/Paul H. James
Paul H. James
Deputy City Attorney

PJ:mb
May 26, 2022
Or.Dept: City Attorney
Doc. No.: 3000168

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 19 2022

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 7/21/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 19 2022, 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"/>
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 type="checkbox"/>	<input checked="" 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 JUL 21 2022.

(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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California
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