

ORDINANCE NUMBER O - 21712

DATE OF FINAL PASSAGE AUG 08 2023

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FIRST AMENDMENT TO THE AGREEMENT WITH THE LAW FIRM OF GORDON REES SCULLY MANSUKHANI, LLP TO PROVIDE CONTINUED AS-NEEDED LEGAL SERVICES AS PANEL OUTSIDE COUNSEL.

WHEREAS, in November 2017 and February 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 on an as-needed basis in these seven areas of law, including the law firm of Gordon Rees Scully Mansukhani, LLP (Law Firm); and

WHEREAS, the Council approved two contracts each in an amount not to exceed \$250,000; and

WHEREAS, one of the contracts approved by the Council was for the Law Firm to represent the City in the area of "Bankruptcy" (Bankruptcy Contract) and the other contract was for the Law Firm to represent the City "Environmental Law, Land Use, and Litigation, including Clean Water Act and Stormwater Compliance Issues", and "Business and Financial Affairs" (Contract); and

WHEREAS, on June 12, 2023, by San Diego Resolution R-314963, the Council approved an increase to the Legal Services Agreement in an amount not to exceed \$850,000; and

WHEREAS, the Law Firm will soon exceed the maximum time limit of five-years for the Contract, with its term presently set to end on August 9, 2023; and

WHEREAS the City Attorney's Office proposed First Amendment to extend the term of the Contract by an additional one (1) year is necessary to allow continuity of representation in various legal matters and the Law Firm to continue the representation of the City in in the trial proceedings of a pending wrongful termination lawsuit brought by a former Senior Chief Deputy City Attorney set for trial in June 2024 because the City Attorney's Office lacks the capacity to handle the matter; and

WHEREAS, an increase of one year, which would raise the total contract time to six years, is necessary to avoid a disruption in the Law Firm's services that would impede the current work that the Law Firm is performing; and

WHEREAS, the Council must approve the First Amendment to the Contract in accordance with San Diego Charter section 99 because the term of the extended Contract will exceed five years; NOW, THEREFORE;

BE IT ORDAINED, by the City Council of the City of San Diego, that the Council approves and authorizes the Mayor or his designee to execute the First Amendment to the Contract with the Law Firm, to extend the contract term through August 9, 2024 and to continue uninterrupted payment of invoices in the previously authorized total amount not to exceed \$850,000.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Jim McNeill
Assistant City Attorney

JM:slc

July 5, 2023

Or.Dept: City Attorney

Doc. No.:

I certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of AUG 01 2023.

DIANA J.S. FUENTES
City Clerk

By *Kristell Medina*
Deputy City Clerk

Approved: 8/8/23
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on AUG 01 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 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"/>
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 AUG 08 2023.

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 *Kristell Medina*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 18 2023

AUG 08 2023

and on _____.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By *Kristell Medina*, Deputy

Office of the City Clerk, San Diego, California

21712

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