

RESOLUTION NUMBER R- 315085

DATE OF FINAL PASSAGE AUG 08 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE RETENTION OF ELEVEN SELECTED LAW FIRMS IN VARIOUS AREAS OF LAW AS OUTSIDE COUNSEL AND APPROVING THE AGREEMENT WITH NOSSAMAN LLP WHERE THE CUMULATIVE CONTRACTS AWARDED EXCEED \$1,000,000 IN A FISCAL YEAR AND RELATED ACTIONS.

WHEREAS, the City Attorney's Office (Office) typically utilizes outside counsel to provide legal services whenever the Office has a conflict of interest, lacks expertise in a particular area of law, or lacks capacity to handle a particular matter; and

WHEREAS, the normal process to engage outside counsel to represent the City of San Diego (City) is time-consuming and inefficient, which can cause substantial delays in City projects moving forward or put the City at a disadvantage in litigation; and

WHEREAS, when the City engages outside counsel, time is of the essence, which means that such services are often obtained using sole source justifications; and

WHEREAS, the Office is attempting to streamline the process for engaging outside counsel by obtaining City Council authorization as part of this resolution to have designated law firms pre-qualified to provide legal services to the City on an as-needed basis; and

WHEREAS, the City issued a Requests for Proposals (RFP) in February 2023 seeking outside counsel in seven areas of law as follows: (1) Employment litigation, investigations and fact finding, and workers compensation law and litigation; (2) Regulatory agency law, land use, and litigation, including Clean Water Act and stormwater compliance issues; (3) Police excessive force/misconduct litigation, including alleged violations of 42 U.S.C. § 1983; (4) Election law, including ballot measures; (5) Tort litigation; (6) Public integrity, ethics and professional

standards law, including debarment actions and related litigation; and (7) Municipal Governance, including insurance coverage, real estate transactions, complex contracts, bankruptcy, Ralph M. Brown Act, and the California Public Records Act; and

WHEREAS, a law firm could submit a proposal to provide legal services in one or more areas of law; and

WHEREAS, pursuant to the RFP, an agreement in an amount not-to-exceed \$500,000 is to be awarded to various selected law firms; and

WHEREAS, based on receiving the highest scores pursuant to the RFP, 11 different law firms were selected to be awarded 11 different as-needed contracts in these various areas of law; and

WHEREAS, one firm, Nossaman LLP was recently approved for a \$5,000,000 as-needed outside counsel contract specific to legal services for the Pure Water Program in San Diego Resolution R-315003 (June 20, 2023); and

WHEREAS, pursuant to San Diego Municipal Code section 22.3207, City Council approval is required where the contract awards for a single consultant or outside counsel will exceed \$1,000,000 in any given fiscal year; and

WHEREAS, with this as-needed agreement for \$500,000, and the Pure Water agreement for \$5,000,000, Nossaman LLP will have exceeded the \$1,000,000 cumulative award in a fiscal year requiring City Council approval of the Nossaman LLP as-needed outside counsel agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the retention of selected law firms as set forth below to represent the City of San Diego on an as-needed basis in the

designated areas of law in an amount not to exceed \$500,000 per contract is authorized as follows:

1. **Employment litigation, investigations and fact finding, and workers compensation law and litigation:**
 - a. Albert & Mackenzie LLP
 - b. Collins + Collins LLP
 - c. Liebert Cassidy Whitmore
 - d. Lozano Smith LLP

2. **Regulatory agency law, land use, and litigation, including Clean Water Act and stormwater compliance issues:**
 - a. Aleshire & Wynder LLP
 - b. Devaney Pate Morris & Cameron LLP
 - c. Jarvis Fay LLP
 - d. Manning & Kass, Ellrod, Ramirez, Trester LLP
 - e. Nossaman LLP

3. **Police excessive force/misconduct litigation, including alleged violations of 42 U.S.C. § 1983:**
 - a. Collins + Collins LLP
 - b. Dean Gazzo Roistacher LLP
 - c. Devaney Pate Morris & Cameron LLP
 - d. Lozano Smith LLP
 - e. Manning & Kass, Ellrod, Ramirez, Trester LLP

4. **Election law, including ballot measures:**
 - a. Aleshire & Wynder LLP
 - b. Devaney Pate Morris & Cameron LLP
 - c. Jarvis Fay LLP
 - d. Lozano Smith LLP
 - e. Schwartz Semerdjian Cauley & Evans LLP

5. Tort litigation:

- a. Collins + Collins LLP
- b. Dean Gazzo Roistacher LLP
- c. Devaney Pate Morris & Cameron LLP
- d. Lozano Smith LLP
- e. Schwartz Semerdjian Cauley & Evans LLP

6. Public integrity, ethics and professional standards law, including debarment actions and related litigation:

- a. Aleshire & Wynder LLP
- b. Collins + Collins LLP
- c. Devaney Pate Morris & Cameron LLP
- d. Lozano Smith LLP
- e. Schwartz Semerdjian Cauley & Evans LLP

7. Municipal Governance, including insurance coverage, real estate transactions, complex contracts, bankruptcy, Brown Act, and the Public Records Act:

- a. Dean Gazzo Roistacher LLP
- b. Devaney Pate Morris & Cameron LLP
- c. Jarvis Fay LLP
- d. Lozano Smith LLP
- e. Schwartz Semerdjian Cauley & Evans LLP

BE IT FURTHER RESOLVED, that the Council of the City of San Diego in accordance with San Diego Municipal Code section 22.3207 approves the contract with Nossaman LLP.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the Chief Financial Officer or designee is authorized to expend an amount not-to-exceed \$500,000 for each five-year contract with the 11 law firms, for the purpose of funding as-needed outside counsel in various identified areas of law, 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: MARA W. ELLIOTT, City Attorney

By Christina L. Rae
Christina L. Rae
Deputy City Attorney

CLR:cw
July 14, 2023
Or.Dept: City Attorney
Doc. No.: 3360248

I certify that the foregoing Resolution 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 Kristelle 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

(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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
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