

## **RESOLUTION 2013-93**

### **RESOLUTION APPROVING AGREEMENTS WITH OUTSIDE LEGAL COUNSEL, ALLEN MATKINS, BUTZ DUNN, HUNT ORTMANN, AND MCKENNA LONG & ALDRIDGE, IN SUBSTANTIAL FORM AND DELEGATING AUTHORITY TO PORT ATTORNEY TO ENTER INTO AGREEMENTS**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1, (Port Act); and

**WHEREAS**, the Office of the Port Attorney is responsible for providing legal advice and representation to the Board of Port Commissioners, the CEO and executive team, as well as all departments of the District; and

**WHEREAS**, in order to best advise and defend the District, in addition to the Port Attorney and five Deputy Port Attorneys, the Office of the Port Attorney sometimes utilizes the services of outside law firms to provide legal services in specific areas of law and to supplement the services of the Port Attorney and Deputy Port Attorneys; and

**WHEREAS**, in the past, outside counsel has been retained pursuant to a written Outside Counsel Policy, but formal agreements with outside law firms were not executed; and

**WHEREAS**, the Office of the Port Attorney has proposed a form of agreement as to which reasonable modifications may be made with outside counsel to clarify the responsibilities of outside counsel, limit the type of fees and expenses the District is charged, and allow the Office of the Port Attorney to better manage and reduce the expenses of outside counsel paid by the District, all while continuing to satisfy the legal needs of the District and maintaining the highest level of professional representation and advice provided to the District; and

**WHEREAS**, for most matters in which outside counsel is utilized, the services total less than \$175,000 annually and agreements for each such matter are within the Port Attorney's contracting authority of \$175,000 and will be reported to the Board monthly per BPC Policy No. 110, section II.H

**WHEREAS**, the Office of the Port Attorney staff recommends the Board approve agreements with four law firms, Allen Matkins, Butz Dunn, Hunt Ortmann, and McKenna Long & Aldridge, for matters potentially exceeding \$175,000 in compensation this year in the total amount of \$1,400,000.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Port Attorney or his designated representative is hereby authorized on behalf of the San Diego Unified Port District to enter into agreements with Allen Matkins, Butz Dunn, Hunt Ortmann, and McKenna Long & Aldridge, for matters potentially exceeding \$175,000 in compensation this year in the total amount of \$1,400,000.

**PASSED AND ADOPTED** by the Board of Port Commissioners of the San Diego Unified Port District, this 11th day of June, 2013, by the following vote:

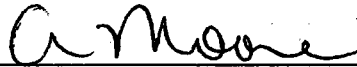
AYES: Castellanos, Malcolm, Merrifield, Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: None.

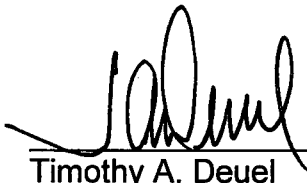
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk

(Seal)