

RESOLUTION 2014-217

RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO AGREEMENT WITH OUTSIDE LEGAL COUNSEL, HUNT, ORTMANN, PALFFY, NIEVES, DARLING & MAH, INC., TO ADD \$681,000 TO THE AGREEMENT FOR A NEW NOT-TO-EXCEED AMOUNT OF \$981,000

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 Board of Port Commissioners (Board) adopted BPC Policy No. 110 establishing a procedure for the administration of contracts and the purchasing of supplies, materials, and equipment and establishing a policy governing the processing and administration of contracts; and

WHEREAS, the Office of the General Counsel is responsible for providing legal advice and representation to the Board, 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 in-house attorneys, the Office of the General Counsel sometimes utilizes the services of outside law firms to provide legal services in specific areas of law and to supplement the in-house services; and

WHEREAS, for most matters which total less than \$175,000 annually, the General Counsel may authorize the Agreement and will report to the Board monthly per BPC Policy No. 110, Section II.H; and

WHEREAS, for Agreements totaling more than \$175,000, the Office of the General Counsel recommends Agreements to the Board and Board approval is necessary pursuant to BPC No. 110, Section II.I; and

WHEREAS, on June 10, 2014, the Board approved an Agreement for legal services with Hunt, Ortmann, Palffy, Nieves, Darling & Mah, Inc., for one year and a not-to-exceed amount of \$300,000. The Office of the General Counsel recommends amending this Agreement to add \$681,000 for a new not-to-exceed amount of \$981,000.

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

That the General Counsel or his designated representative is hereby authorized on behalf of the San Diego Unified Port District to enter into Amendment No. 1 to the Agreement with outside legal counsel, Hunt, Ortmann, Palffy, Nieves, Darling & Mah, Inc., to add \$681,000 to the Agreement for a new not-to-exceed amount of \$981,000.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL



By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 4th day of November, 2014, by the following vote:

AYES: Bonelli, Castellanos, Merrifield, Moore, and Valderrama.

NAYS: None.

EXCUSED: Malcolm and Nelson.

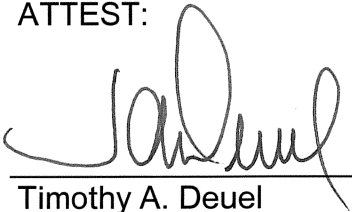
ABSENT: None.

ABSTAIN: None.

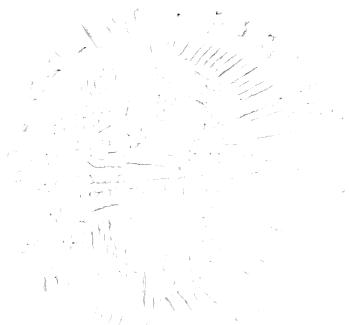


Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk



(Seal)