

RESOLUTION NUMBER R-300182

ADOPTED ON MARCH 1, 2005

WHEREAS, the City of San Diego previously retained the law firm of Vinson & Elkins [V&E] to provide services related to the representation of the City at the Securities & Exchange Commission [SEC] in the SEC's investigation into certain City financial matters, and to prepare an internal report [Report] on the City's securities disclosure practices from 1996 through the present; and

WHEREAS, additional investigative services are now required to facilitate the completion of the audit of the City's FY 2003 basic financial statements; and

WHEREAS, additional contract authorization is necessary and appropriate to permit V&E to perform the additional investigation and to continue to provide representation of the City before the SEC; NOW THEREFORE,

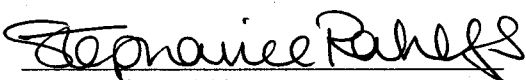
BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is hereby authorized and directed to execute a second amendment to the retention agreement with V&E for an additional amount not to exceed \$1,200,000 for services related to the conduct of additional investigation concerning the City's FY 2003 basic financial statements, and for continued representation before the SEC.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$723,360 from Fund No. 81140, Dept. No. 82240, Object Account No. 4151, Job Order No. 082240; \$301,080 from Fund No. 41506, Dept. No. 776, Org. No. 455, Object Account No.

4151, Job Order No. 776260; and \$175,560 from Fund No. 41500, Dept. No. 760, Org. No. 163, Object Account No. 4151, Job Order No. 000163 is hereby authorized, solely and exclusively for the purpose of providing funds for the above agreements.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller, upon advice from the administering department, is authorized to transfer excess funds, if any, to the appropriate reserves.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Stephanie Rahlfs
Deputy City Attorney

SR:jb
09/24/2005
Aud.Cert:2500773
Or.Dept:Fin.Mgmt.
R-2006-284

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

AC 2500773

ORIGINATING

DEPT. NO.:

055

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$1,200,000.00

Vendor: Vinson and Elkins

Purpose: Authorizing the expenditure of the second amendment to retention agreement with Vinson and Elkins to provide representation before the SEC and to perform additional investigation with respect to the audit of the City's FY 2003 Financial Statements. In amount not to exceed an additional \$1,200,000.

Date: February 24, 2005 By: Andrea Krohn

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	81140	82240		4151	082240				\$723,360.00
002	0	41506	776	455	4151	776260				\$301,080.00
003	0	41500	760	163	4151	163				\$175,560.00
TOTAL AMOUNT										\$1,200,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2500773

R- 300182

MAR 01 2005