

RESOLUTION NUMBER R- 300199

ADOPTED ON MAR 07 2005

WHEREAS, on December 21, 2004, the Council of the City of San Diego authorized an amount not to exceed \$150,000 to pay for attorneys' fees to one or more law firms to provide independent representation to past and present City employees related to the investigations by the Securities and Exchange Commission and the U.S. Attorney's Office; and

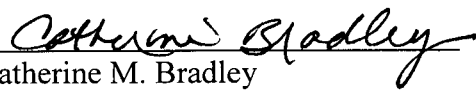
WHEREAS, due to the complexity of the issues and the large number of documents that must be reviewed, the initial authorization for \$150,000 is not sufficient to provide for attorneys' fees necessary to assist the City witnesses during their participation in interviews and proceedings, including compliance with subpoenas in the above proceedings;

NOW, THEREFORE,

BE IT RESOLVED, that the Council authorizes the additional expenditure of an amount not to exceed \$200,000 from the following accounts: \$120,560 from Fund No. 81140; \$50,180 from Fund No. 41506; and \$29,260 from Fund No. 41500, for the purpose of paying attorney's fees for the representation of any past and present City employees related to the interviews and proceedings described above, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the authorization for the above attorney's fees is to be suspended if criminal charges are brought against any such past or present City employee, and that the City shall reserve its right to terminate the payment of fees and seek reimbursement of fees paid in the event that criminal charges are brought against any official or employee, or if a conviction is obtained.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Catherine M. Bradley
Deputy City Attorney

CMB:jab
3/03/2005
Or.Dept:Atty.
Aud.Cert: 2500802
R-2005-924

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2500802

ORIGINATING

DEPT. NO.: 045

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: \$200,000.00

Vendor: N/A

Purpose: Authorizing the expenditure for the payment of Attorney's Fees for the City Witnesses in connection with the Securities and Exchange Commission and U.S. Attorney's Office Investigation into Financial Matters. In amount not to exceed an additional \$200,000.

Date: March 3, 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				\$120,560.00
002	0	41506	776	455	4151	776260				\$50,180.00
003	0	41500	760	163	4151	000163				\$29,260.00
TOTAL AMOUNT										\$200,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2500802

R-300199

MAR 07 2005