

RESOLUTION NUMBER R-300640

ADOPTED ON JUNE 28, 2005

WHEREAS, in February 2004, the Securities and Exchange Commission and the U.S. Attorney's Office and more recently the District Attorney's Office have informed the City that they were undertaking investigations into certain financial disclosure practices by the City; and

WHEREAS, these investigations are on going and certain elected City employees, officials and their staff have been asked to participate in interviews and proceedings, including compliance with subpoenas; and

WHEREAS, the City has engaged legal firms on behalf of the Mayor and City Council related to the investigations to assist the City witnesses during their participation in the proceedings in an aggregate in an amount not to exceed \$250,000 for such services; and

WHEREAS, due to the complexity of the issues and the large number of documents that must be reviewed, the \$250,000 is not sufficient to provide the aggregate attorney fees necessary to assist the Mayor and City Council, in their capacity as City witnesses during their participation in the proceedings; and

WHEREAS, the City Manager requests authorization for an amount not to exceed \$643,000 for fiscal year 2005 and an amount not to exceed \$350,000 for fiscal year 2006 for expenditures for Mayor and Council Members which will be apportioned based on actual and estimated invoices; NOW THEREFORE

BE IT RESOLVED, by the Council of the City of San Diego that the Council authorizes the expenditure of an amount not to exceed \$100,000, for fiscal year 2005 for the above-described purpose, for the representation of Councilmember Brian Maienschein, as provided by the law firm of Morrison & Foerster, LLP.

BE IT FURTHER RESOLVED that the authorization for the above attorney fees is to be suspended if criminal charges are brought against Councilmember Brian Maienschein, 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 Councilmember Brian Maienschein, or if a conviction is obtained.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Maria Severson
Deputy City Attorney

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AC2501128
Or.Dept:CM
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