

RESOLUTION NUMBER R-300641

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

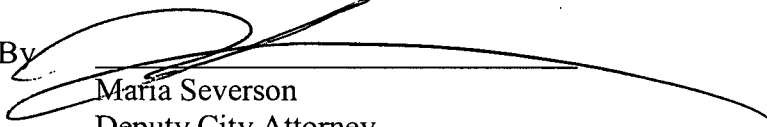
WHEREAS, the City Manager requests authorization for an amount not to exceed \$643,000 for fiscal year 2005 and an amount not to exceed \$350,000 for fiscal year 2006 for expenditures for Mayor and Council Members which will be apportioned based on actual and estimated invoices; NOW THEREFORE

BE IT RESOLVED, by the Council of the City of San Diego that the Council authorizes the expenditure of an amount not to exceed \$50,000, for fiscal year 2006 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

MS:ai  
06/29/05  
AC2501128  
Or.Dept:CM  
R-2005-1420

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2501128

ORIGINATING

DEPT. NO.: 040

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: \$100,000.00

Vendor: Morrison & Foerster, LLP (regarding Councilmember Maienschein)

Purpose: To authorize the expenditure for attorney's fees for the Councilmember Maienschein in connection with ongoing financial investigations.

Date: June 24, 2005 By: *Andrew Kohli*

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					\$60,280.00
002	0	41506	776	455	4151	776260					\$25,090.00
003	0	41500	760	163	4151	000163					\$14,630.00
TOTAL AMOUNT											\$100,000.00

FUND OVERRIDE

AC 2501128

AC-361 (REV 2-92)

R-300640

R-300641

JUN 28 2005