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(R-2006-316)

RESOLUTION NUMBER R- 301100

ADOPTED ON DEC 05 2005

WHEREAS, on August 23, 2005, the Police Officers Association [POA] filed and served a complaint in the case *POA v. Michael Aguirre, et al.*, USDC Case No. 05cv1581H (POR). The case raises a number issues related to labor negotiations and retirement issues between the City of San Diego and the Police Officers Association; and

WHEREAS, the City needs outside legal counsel to represent certain City officials, excluding City Attorney Michael Aguirre, who is currently being represented by the law firm of Wehner & Perlman, LLP; and

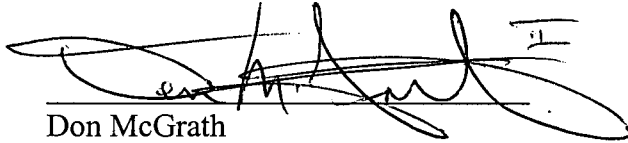
WHEREAS, the law firm of Latham & Watkins, LLP, has been identified as the firm best capable of providing the necessary legal services; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Retainer Agreement, by and between the City of San Diego and Latham & Watkins, for certain legal services is hereby authorized regarding the case *POA v. Michael Aguirre, et al.*, USDC Case No. 05cv1581H (POR).

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$200,000 from Fund 81140, is hereby authorized, solely and exclusively for the purpose of providing funds for the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Don McGrath
Executive Assistant City Attorney

DM:km
9/29/05
Or.Dept:Atty
R-2006-316

R-301100

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2600394

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: Latham & Watkins, LLP

Purpose: To authorize a retainer agreement with Latham & Watkins, LLP, for legal services related to the case POA v. Michael Aguirre, et al. ; in an amount not to exceed \$200,000.

Date: November 9, 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	81140	3501	4141	081141				\$200,000.00
TOTAL AMOUNT										\$200,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2600394

l-301100

DEC 05 2005