

333  
3/28/06

(R-2006-613)  
CORR.COPY

RESOLUTION NUMBER R- 301331

DATE OF FINAL PASSAGE APR 07 2006

WHEREAS, on August 23, 2005, the San Diego Police Officers Association [SDPOA] filed and served a complaint in the case *SDPOA 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 San Diego Police Officers Association; and

WHEREAS, the City needs outside legal counsel to represent certain current and former 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, was identified as the firm best capable of providing the necessary legal services; and

WHEREAS on December 5, 2005, the City Council approved through Resolution Number R-301100 the retention of Latham & Watkins, LLP to provide outside legal counsel in this matter; and

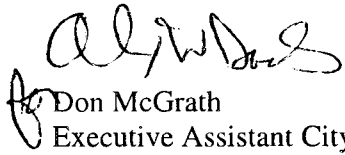
WHEREAS Latham & Watkins has exhausted the City Council's initial funding authorization of not to exceed \$200,000; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor be and he is hereby authorized and empowered to execute, for and on behalf of said City, a First Amended Retainer Agreement, by and between the City of San Diego and Latham & Watkins, for certain legal services regarding the case *SDPOA v. Michael Aguirre, et al.*, USDC Case No. 05cv1581H (POR).

BE IT FURTHER RESOLVED, that under the First Amended Retainer Agreement the expenditure of an additional amount not to exceed \$500,000 to be set aside solely and exclusively for the purpose of providing funds for the above project.

BE IT FURTHER RESOLVED, that the City Auditor shall be authorized to appropriate and transfer funds from the General Fund Unappropriated/Unallocated Reserves to the Public Liability Fund to meet these obligations.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Don McGrath  
Executive Assistant City Attorney

DM:AS:mm  
01/09/06  
03/16/06 Corr.Copy

Or.Dept:City Atty  
R-2006-613  
MMS#2949

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of MAR 28 2006.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4-07-06  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2600672

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: \$500,000.00

Vendor: Latham & Watkins

Purpose: To authorize the expenditures for the first amendment with Latham & Watkins, LLP, for legal services related to the case SDPOA v. Michael Aguirre, et al..

Date: March 17, 2006

By:   
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	100			9544					\$500,000.00
TOTAL AMOUNT										\$500,000.00

FUND OVERRIDE

*R-301331*

MAR 28 2006

AC 2600672

Passed by the Council of The City of San Diego on MAR 28 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 07 2006

AUTHENTICATED BY:

JERRY SANDERS  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R-301331