

203
5/22/06

(R-2006-1010)

RESOLUTION NUMBER R- 301464

DATE OF FINAL PASSAGE MAY 31 2006

WHEREAS, on August 2, 2005, the City of San Diego entered into a retainer agreement with the law firm of Heller Ehrman, LLP to provide legal services in connection with litigation concerning the retirement system; and

WHEREAS, the current contract is in an amount not to exceed \$500,000 for work to be performed on two separate matters; and

WHEREAS, Heller Ehrman has exhausted the City Council's previous funding authorization of \$500,000;

WHEREAS, the work to be provided by Heller Ehrman in connection with the lawsuit entitled *The City of San Diego v. Callan Associates, Inc., Gabriel Roeder, Smith & Company, et al.*, (San Diego Superior Court Case No. GIC852419) is now complete; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that final payment to Heller Ehrman LLP is hereby authorized in the amount of \$634,308.33 to be used solely and exclusively for the purpose of providing final payment for services rendered in connection with the lawsuit entitled *The City of San Diego v. Callan Associates, Inc., Gabriel Roeder, Smith & Company, et al.*, (San Diego Superior Court Case No. GIC852419).

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

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2600718

ORIGINATING

DEPT. NO.: 084

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: _____

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

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: \$634,308.33

Vendor: Heller Ehrman LLP

Purpose: To authorize the final payment to Heller Ehrman LLP for services rendered in connection with the lawsuit entitled City of San Diego v. Callan Associates, Inc., et al.

Date: April 5, 2006 By: 4/5/06

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	81140	82240		4141	82240				\$634,308.33
TOTAL AMOUNT										\$634,308.33

AC-361 (REV 2-92)

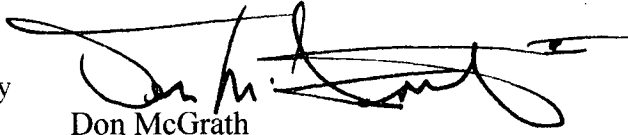
FUND OVERRIDE

R 301464

AC 2600718

MAY 22 2006

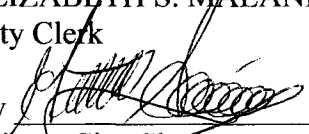
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Don McGrath
Executive Assistant City Attorney

DM/AMD
02/14/06
04/04/06 COR.COPY
05/22/06 Revised Copy
AC 2600718
Or.Dept: City Atty
R-2006-1010

I hereby certify that the following Resolution was passed by the Council of the City of San Diego, at its meeting of May 22, 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5-31-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R- 301464

Passed by the Council of The City of San Diego on MAY 22 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 MAY 31 2006

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 301464