

RESOLUTION NUMBER R-301517

ADOPTED ON JUN 16 2006

WHEREAS, the City has been named as a defendant in *McGuigan v. City of San Diego*, San Diego Superior Court Case No. GIC 849883; and

WHEREAS, the defense of the aforementioned case involves complicated matters and the potential for a finding of significant liability against the City; and

WHEREAS, the firm of Latham & Watkins has proven in previous representations to be well-equipped to assist the City in defense of complicated matters; and

WHEREAS the Council of the City of San Diego was briefed on the status of this litigation in a duly-noticed Closed Session on May 30, 2006; and

WHEREAS the Council determined to retain Latham & Watkins to assist the City Attorney in defense of this litigation; NOW, THEREFORE,


BE IT RESOLVED, by the Council of the City of San Diego, that the firm of Latham & Watkins is hereby retained for the provision of legal services in *McGuigan v. City of San Diego*, San Diego Superior Court Case No. GIC 849883.

BE IT FURTHER RESOLVED, that the City Attorney be authorized to execute a Retainer Agreement with Latham & Watkins for these purposes.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$300,000 from Liability Fund No. 81140, is hereby authorized, solely and exclusively for the purpose of providing funds for the above agreement.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to appropriate and transfer funds from the General Fund Unappropriated/Unallocated Reserves to the Public Liability Fund 81140 in order to meet these obligations.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Michael J. Aguirre
City Attorney

MJA:aws:mm
06/01/06
Or.Dept.Council President
A/C No. 2600866
R-2006- 1036

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of May 30th 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6-16-06
(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 2600866

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: _____

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: \$300,000.00

Vendor: Latham & Watkins

Purpose: To authorize the retention of the law firm Latham & Watkins for legal services in McGuigan v. City of San Diego, San Diego Superior Court Case No. GIC 849883.

Date: June 1, 2006

By:  _____
 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	100			9544					\$300,000.00
TOTAL AMOUNT										\$300,000.00

FUND OVERRIDE

AC 2600866

R- 301517

JUN 16 2006

Passed by the Council of The City of San Diego on MAY 30 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 JUN 16 2006

AUTHENTICATED BY:

(Seal)

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

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

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California

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