$(R-2006-1036) \le 02$   $\le 30/06$ 

## **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

Michael J. Aguirre

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 30<sup>th</sup> 2006.

ELIZABETH S. MALAND

Deputy City Clerk

Approved: (date) JERRY SANDERS, M

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

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JUN 16 2006

Passed by the Council of The City	of San Diego on _	MAY 30	2006	_, by the follow	ving vote:				
Council Members	Yeas	Nays	Not Presen	nt Inelig	ible				
Scott Peters									
Kevin Faulconer									
Toni Atkins									
Anthony Young		,							
Brian Maienschein	TV								
Donna Frye	V								
Jim Madaffer									
Ben Hueso	<b>I</b> /								
Date of final passageJUN 1	6 2006								
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		JERRY SANDERS							
AUTHENTICATED BY:		Mayor		f San Diego, Ca	ılifornia.				
(Seal)		City Cle		ΓΗ S. MALAN of San Diego, 0					
(3541)	By_	Me	an-C	Jeples	, Deputy				
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Resolution Number