

5503

RESOLUTION NUMBER R-301518

DATE OF FINAL PASSAGE JUN 16 2006

WHEREAS, the City has been named as a defendant in *Building Industry Association of San Diego County ("BIA") v. City of San Diego*, San Diego Superior Court Case No. GIC 817064; and

WHEREAS, the defense of the aforementioned case involves heavily-litigated matters regarding affordable housing policy; and

WHEREAS, the firm of Christensen Schwerdtfeger & Spath, LLP has significant expertise in affordable housing matters and as General Counsel to the San Diego Housing Commission; 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 Christensen Schwerdtfeger & Spath, LLP as co-counsel 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 Christensen Schwerdtfeger & Spath, LLP is hereby retained for the provision of legal services in *Building Industry Association of San Diego County ("BIA") v. City of San Diego*, San Diego Superior Court Case No. GIC 817064.

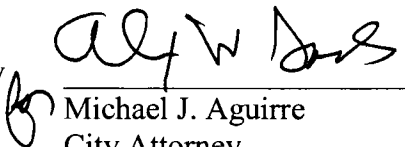
BE IT FURTHER RESOLVED, that the Mayor and City Attorney shall be authorized to execute a Retainer Agreement with Christensen Schwerdtfeger & Spath, LLP for these purposes.

RECEIVED
CITY CLERK'S OFFICE
06 JUN -5 PM 3:57
SAN DIEGO, CALIF.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$250,000 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
06/05/06 Rev.Copy
Or.Dept.Council President
A/C No. 2600865
R-2006-1037

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

ELIZABETH S. MALAND
City Clerk

By  Deputy City Clerk

Approved: 6-16-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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 type="checkbox"/>	<input checked="" 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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