

RESOLUTION NUMBER R-301518

DATE OF FINAL PASSAGE JUN 1 6 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.

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

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.

-PAGE 2 OF 2- 301518

ELIZABETH S. MALAND

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

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Date:			June 1	1, 2006		By: Hall (Y)				
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L 301518 MAY 30 2006

AC ____ 2600865

Passed by the Council of The City of	of San Diego on _	MAY 3	0 2006 , by	the following vote:
Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters				
Kevin Faulconer				
Toni Atkins				
Anthony Young	V	,		
Brian Maienschein				· 🗖 .
Donna Frye				
Jim Madaffer				
Ben Hueso				
Date of final passage JUN 1	6 2006			
			JERRY SAN	
AUTHENTICATED BY:		Mayor	of The City of San E ELIZABETH S.	
(Seal)	Ву_	City Cler		n Diego, California. , , Dep

Office of the City Clerk, San Diego, California

Resolution Number

R- 301518