3326 (R-2006-1112) $\zeta/26/66$

RESOLUTION NUMBER R- 301569

DATE OF FINAL PASSAGE JUL - 5 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING ADDITIONAL FUNDS FOR OUTSIDE LEGAL COUNSEL FOR COUNCILMEMBER TONI ATKINS RELATING TO FINANCIAL AND DISCLOSURE ISSUES AND PENSION INVESTIGATIONS AND LITIGATION

WHEREAS, the Council of the City of San Diego previously authorized \$365,696.94 in total to pay for attorney's fees to the law firm of Morrison and Foerster, LLP to provide independent representation to Councilmember Toni Atkins related to financial and disclosure issues and pension investigations and litigation; and

WHEREAS, these investigations by state and federal agencies are continuing; NOW THEREFORE

BE IT RESOLVED, that the Council authorizes the additional expenditure of an amount not to exceed \$153,000 for the firm of Morrison and Foerster, LLP for the purpose of paying attorney's fees incurred in Fiscal Year 2006 and \$150,000 for the firm of Morrison and Foerster, LLP for the purpose of paying attorney's fees to be incurred in Fiscal Year 2007 for the representation of Councilmember Toni Atkins related to the issues described above, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED that the Auditor and Comptroller shall be authorized to fund these expenditures solely from General Fund revenues.

PREPARED AND APPROVED AS TO FORM, BUT NOT IN AGREEMENT:

MICHAEL J. AGUIRRE, City Attorney

By:

Alex W. Sachs

Deputy City Attorney

AWS:sb 06/21/06 Or.Dept:Mayor's Office AC 2600888 AC 2700001 R-2006-1112

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of __JUN 2 0 2006 .

ELIZABETH S. MALAND

City Clerk

Deputy City Clerk

Approved: /-5.00

(date)

JERRY SANDERS, Mayor

Vetoed:

(date)

JERRY SANDERS, Mayor

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC2600888 ORIGINATING 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: AUDITOR AND COMPTROLLER'S DEPARTMENT ACCOUNTING DATA ACCTG. BENF/ EQUIP FACILITY AMOUNT CY PY FUND DEPT ORG. ACCOUNT JOB ORDER ACCOUNT TOTAL 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. \$433,000.00 Not to Exceed: Vendor: Various Authorizing the expenditure for additional payments of attorney's fees for individual representation of current and former Purpose: elected officials related to the proceedings of the ongoing financial investigations and pension related litigation. June 13, 2006 Date: AUDITOR AND COMPTROLLERS DEPARTMENT ACCOUNTING DATA OPERATION ACCTG. FACILITY AMOUNT JOB ORDER BENF/ EQUIP ACCOUNT CY PY **FUND** DEPT ORG. LINE SEE ATTACHED TOTAL AMOUNT FUND OVERRIDE Drigine Feled with R-30156 & 0 2006 AC2600888 -301568 - 16301575

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALL OTTED BALANCE

AC2700001 AC

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 $R - 3015 68_{20} 202000 \qquad R - 301568 - 1 - 301575$

Passed by the Council of The City of	f San Diego on	JUN 202	, by 1	the following vote:						
Council Members	Yeas	Nays	Not Present	Ineligible						
Scott Peters	\mathbf{d}_{\prime}									
Kevin Faulconer	t /									
Toni Atkins										
Anthony Young										
Brian Maienschein										
Donna Frye										
Jim Madaffer	\mathbf{Z}_{j}									
Ben Hueso										
JUL - 5 2	2006									
Date of final passage										
				JERRY SANDERS						
AUTHENTICATED BY:		Mayor of The City of San Diego, California.								
	_			ELIZABETH S. MALAND						
(Seal)		City Clerk of The City of San Diego, California.								
	Ву	By Delibue Riverson Cruzy Deputy								

Office of the City Clerk, San Diego, California

Resolution Number

2 301569