

RESOLUTION NUMBER R- 301570

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 BRIAN MAIENSCHIN RELATING TO FINANCIAL AND DISCLOSURE ISSUES AND PENSION INVESTIGATIONS AND LITIGATION

WHEREAS, the Council of the City of San Diego previously authorized \$345,643.23 in total to pay for attorney's fees to the law firm of Morrison and Foerster, LLP to provide independent representation to Councilmember Brian Maienschein related to financial and disclosure issues and pension investigations and litigation, and

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

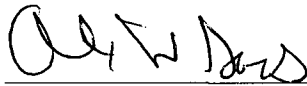
THEREFORE

BE IT RESOLVED, that the Council authorizes the additional expenditure of an amount not to exceed \$110,000 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 Brian Maienschein 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-2006-1114

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 20 2006.

ELIZABETH S. MALAND  
City Clerk

By:   
Deputy City Clerk

Approved: 7-5-06  
(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 AC2600888

ORIGINATING

DEPT. NO.:

010

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: \_\_\_\_\_ Fund: \_\_\_\_\_

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
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.

Not to Exceed: \$433,000.00

Vendor: Various

Purpose: Authorizing the expenditure for additional payments of attorney's fees for individual representation of current and former elected officials related to the proceedings of the ongoing financial investigations and pension related litigation.

Date: June 13, 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
SEE ATTACHED											
TOTAL AMOUNT											

AC-361 (REV 2-92)

FUND OVERRIDE

AC AC2600888

*Original Filed with  
R-301568  
JUN 20 2006*

*R-301568 - R-301575*

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC AC2700001

ORIGINATING

DEPT. NO.: 010

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: \_\_\_\_\_ Fund: \_\_\_\_\_

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
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.

Not to Exceed: \$870,000.00

Vendor: Various

Purpose: Authorizing the expenditure for additional payments of attorney's fees for individual representation of current and former elected officials related to the proceedings of the ongoing financial investigations and pension related litigation.

Date: June 8, 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
SEE ATTACHED											
TOTAL AMOUNT											

AC-361 (REV 2-92)

FUND OVERRIDE

AC AC2700001

*Original Filed with*  
*R-301568*  
 JUN 20 2006  
*f-301568 - R-301575*

Passed by the Council of The City of San Diego on JUN 20 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUL - 5 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 Debbie Swenson-Cruz, Deputy

Office of the City Clerk, San Diego, California
Resolution Number <u>R-301570</u>