332+ (R-2006-1116)  $\zeta/26/66$ 

RESOLUTION NUMBER R- 301573

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 FORMER COUNCILMEMBER MICHAEL ZUCCHET RELATING TO FINANCIAL AND DISCLOSURE ISSUES AND PENSION INVESTIGATIONS AND LITIGATION

WHEREAS, the Council of the City of San Diego previously authorized \$53,000 in total to pay for attorney's fees to the law firm of Coughlan, Semmer & Lipman, LLP to provide independent representation to former Councilmember Michael Zucchet 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 \$53,000 for the firm of Coughlan, Semmer & Lipman, LLP, for the purpose of paying attorney's fees to be incurred in Fiscal Year 2007 for the representation of former Councilmember Michael Zucchet 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-2006-1116

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

Matt

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

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R-301568 - R-301575

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

## CERTIFICATE OF UNALLOTTED BALANCE AC2700001 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 OPERATION JOB ORDER BENF/ EQUIP FACILITY AMOUNT CY PY FUND DEPT ORG. ACCOUNT LINE 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 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. Date: June 8, 2006 Ву: AUDITOR AND COMPTROLLER'S DEPARTMENT ACCOUNTING DATA OPERATION ACCTG. CY PY ACCOUNT JOB ORDER BENF/ EQUIP FACILITY AMOUNT FUND DEPT ORG. ACCOUNT LINE SEE ATTACHED TOTAL AMOUNT FUND OVERRIDE

Original School 1975-R-301568 20 2006 P-301568

R-301575

AC AC2700001

| Passed by the Council of The City of | San Diego on _   | JUN 202 | 2006<br>, by 1 | the following vote: |  |  |
|--------------------------------------|--|---------|----------------|---------------------|--|--|
| Council Members                      | Yeas   | Nays    | Not Present    | Ineligible          |  |  |
| Scott Peters                         | d  |         |                |                     |  |  |
| Kevin Faulconer                      | W/   |         |                |                     |  |  |
| Toni Atkins                          |  |         |                |                     |  |  |
| Anthony Young                        |  |         |                |                     |  |  |
| Brian Maienschein                    | V  |         |                |                     |  |  |
| Donna Frye                           |  |         |                |                     |  |  |
| Jim Madaffer                         |  |         |                |                     |  |  |
| Ben Hueso                            | V  |         |                |                     |  |  |
| Date of final passage JUL - 5 20     | 06   |         |                |                     |  |  |
| AUTHENTICATED BY:                    | JERRY SANDERS  Mayor of The City of San Diego, California. |         |                |                     |  |  |

(Seal)

Office of the City Clerk, San Diego, California

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Deblie Kevenson-Cruy, Deputy

Resolution Number 2-301573