

RESOLUTION NUMBER R- 302166
DATE OF FINAL PASSAGE DEC 15 2006

WHEREAS, on August 23, 2005, the San Diego Police Officers Association [SDPOA] filed and served a complaint in the case *SDPOA v. Michael Aguirre, et al.*, USDC Case No. 05cv1581H (POR). The case raises a number issues related to labor negotiations and retirement issues between the City of San Diego and the San Diego Police Officers Association; and

WHEREAS, the law firm of Latham & Watkins, LLP has been retained by the City of San Diego, to represent certain current and former City officials, excluding City Attorney Michael Aguirre, who is currently being represented by the law firm of Wehner & Perlman, LLP; and

WHEREAS, on July 18, 2006, numerous police officers filed and served a complaint in the case *Aaron, et al. v. Aguirre, City of San Diego, et al.*, USDC Court Case No. 06cv1451 JM (RBB); and

WHEREAS, the *Aaron* case raises issues related to *SDPOA v. Michael Aguirre, et al.*, USDC Case No. 05cv1581H (POR); and

WHEREAS the previous authorizations for Latham & Watkins, LLP were in an amount not to exceed \$200,000 and \$500,000; and

WHEREAS Latham & Watkins has exhausted the City Council's initial funding authorization for a total not to exceed \$700,000; and

WHEREAS this item was considered in Closed Session on November 14, 2006. On that date, the Council voted unanimously (8-0) to authorize additional funding for the law firm of Latham & Watkins as outside counsel in an amount not to exceed \$ 1, 000,000. The Council

further determined that the funding for this action was to come from the public liability fund.

The motion was made by Councilmember Frye with a second by Councilmember Madaffer;

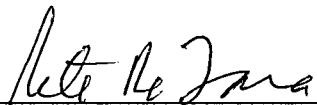
NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Second Amended Retainer Agreement, by and between the City of San Diego and Latham & Watkins, for certain legal services is hereby authorized regarding case *SDPOA v. Michael Aguirre, et al.*, USDC Case No. 05cv1581H (POR) and *Aaron, et al. v. Aguirre, City of San Diego, et al.*, USDC Court Case No. 06cv1451 JM (RBB).

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the Auditor and Comptroller is authorized to appropriate and transfer \$1,000,000 from the General Fund Unallocated Reserve to the Public Liability Fund to pay these expenditures.

BE IT FURTHER RESOLVED, that under the Second Amended Retainer Agreement the expenditure of an additional amount not to exceed \$1,000,000 from Fund 81140, is hereby authorized, solely and exclusively for the purpose of providing funds for the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Pete De Lara
Deputy City Attorney

PD:mm
11/16/06
11/21/06 Cor. Copy
Or.Dept:City Atty
Aud.Cert:
R-2007-586
MMS#4071

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R- 302166

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC - 5 2006

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12.15.06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R- 302166

Passed by the Council of The City of San Diego on DEC 05 2007, 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

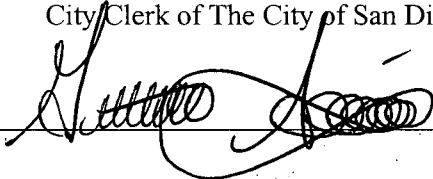
Date of final passage DEC 15 2007

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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