RESOLUTION NUMBER RDATE OF FINAL PASSAGE

DEC 1 5 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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ELIZABETH S. MALAND
City Clerk

By Deputy City Clerk

Approved: JERRY SANDERS, Mayor

San Diego, at this meeting of DEC - 5 2006

(date)

Vetoed: _

I hereby certify that the foregoing Resolution was passed by the Council of the City of

JERRY SANDERS, Mayor

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2700393

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R 302166 DEC 0 5 2006

Passed by the Council of The City	of San Diego on _	DEC 0 8	5 2007 , by	, by the following vote:		
Council Members	Yeas	Nays	Not Present	Ineligible		
Scott Peters	\mathbf{Z}					
Kevin Faulconer	\square'				•	
Toni Atkins	Z					
Anthony Young						
Brian Maienschein						
Donna Frye	\mathbb{Z}					
Jim Madaffer						
Ben Hueso						
Date of final passage DEC 15	5 2007					
ALITHENTICATED DV.	JERRY SANDERS Mayor of The City of San Diego, California.					
AUTHENTICATED BY:			ELIZABETH S.	MALAND		
(Seal)	By	City/Clerk	c of The City of Sa	n Diego, California.	Deputy	
		Vanna		, 1	Spary	
:						

Office of the City Clerk, San Diego, California

Resolution Number

R- 302166