

RESOLUTION NUMBER R- 302167  
ADOPTED ON DEC 15 2006

WHEREAS, the City has been named as a defendant in *McGuigan v. City of San Diego*, San Diego Superior Court Case No. GIC 849883; and

WHEREAS, the defense of the aforementioned case involves complicated matters and the potential for a finding of significant liability against the City; and

WHEREAS, the firm of Latham & Watkins has proven in previous representations to be well-equipped to assist the City in defense of complicated matters; and

WHEREAS, the Council of the City of San Diego determined to retain Latham & Watkins firm to assist the City Attorney in defense of this litigation; and

WHEREAS, the initial \$300,000 authorized to fund the outside counsel work on *McGuigan* has now been exhausted; and


WHEREAS, this item was considered in Closed Session on November 14, 2006, and 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 \$200,000. 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 Hueso; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a First Amended Retainer agreement with the firm of Latham & Watkins is hereby authorized for the provision of legal services in *McGuigan v. City of San Diego*, San Diego Superior Court Case No. GIC 849883.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be authorized to appropriate and transfer \$200,000 from the General Fund Unallocated Reserve to the Public Liability Fund to pay these expenditures.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$200,000 from Liability Fund No. 81140, is hereby authorized, solely and exclusively for the purpose of providing funds for the above agreement.

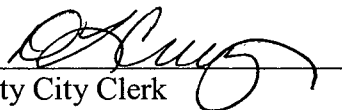
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Alex W. Sachs  
Deputy City Attorney

AWS:mm  
11/16/06  
11/21/06 CORR.COPY  
Or.Dept.City Attorney  
A/C No.  
R-2007-589

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its 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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2700397

ORIGINATING DEPT. NO.: 045

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: \$200,000.00

Vendor: Latham & Watkins, LLP

Purpose: Authorizing the appropriation and transfer in the amount of \$142,620 from the General Fund Unallocated Reserve to the Public Liability fund and to expend (per accounting attached) for outside counsel services in McGuigan v. City of san Diego (GIC 84988?).

Date: November 21, 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										

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2700397

*R* 302167

DEC 0 5 2006

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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