

RESOLUTION NUMBER R- 302170
DATE OF FINAL PASSAGE DEC 15 2006

WHEREAS, on August 16, 2005, Marcus R. Abbe and other named individuals, who are current or former San Diego police officers, filed and served a complaint in the case *Marcus R. Abbe, et al.*, USDC Case No. 05cv1629 DMS. The case raises a number of issues related to compensation, including overtime pay, and a memorandum of understanding between the City of San Diego and the San Diego Police Officers Association; and

WHEREAS, the law firm of Latham & Watkins, LLP, was identified as the firm best capable of providing the necessary legal services; and

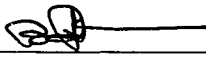
WHEREAS on August 1, 2006, the City Council in closed session authorized the retention of Latham & Watkins, LLP with a 7-0 vote, Councilmember Scott Peters made the motion, seconded by Councilmember Jim Madaffer to provide outside legal counsel in this matter in an amount not exceeding \$250,000; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Retainer Agreement, by and between the City of San Diego and Latham & Watkins, LLP for certain legal services is hereby authorized regarding the case of *Marcus R. Abbe, et al. v. City of San Diego*, USDC Case No. 05cv1629 DMS.

BE IT FURTHER RESOLVED, that under the Retainer Agreement the expenditure of an amount not to exceed \$250,000 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


George F. Schaefer
Deputy City Attorney

GFS:vtc
11/3/06
Aud.Cert: 2700378
Or.Dept:CityAtty
R-2007-425

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

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2700378

ORIGINATING

DEPT. NO.:

084

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: \$250,000.00

Vendor: Latham & Watkins, LLP

Purpose: Authorizing the expenditure for legal services for case of Marcus R. Abbe, et al. v. City of San Diego (case no. 05CV1629 DMS - SDF OA II)

Date: November 16, 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
001	0	81140	81140	3111	4151	081141				250,000.00
TOTAL AMOUNT										\$250,000.00

AC-361 (REV 2-92)

FUND OVERRIDE ☐

AC 2700378

R-302170 DEC 05 2006

Passed by the Council of The City of San Diego on DEC 05 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 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 2006

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-302170