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RESOLUTION NUMBER R- 302172

DATE OF FINAL PASSAGE DEC 15 2006

WHEREAS, on July 13, 2006, Joseph A. Lopez and other named individuals, who are current or former San Diego police officers, filed and served a complaint in the case *Joseph A. Lopez, et al. v. City of San Diego*, Superior Court Case Number GIC 869054. This lawsuit was filed by members of the Motorcycle Unit of the San Diego Police Department seeking to have Motorcycle Care Pay included in Retirement Base Compensation; and

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

WHEREAS, in the Closed Session Meeting of November 14, 2006, in the matter of *Lopez v. City of San Diego*, San Diego Superior Court Case No. GIC869054, the City Council voted unanimously (8 to 0) to retain the law firm of Latham and Watkins as outside counsel in an amount not to exceed \$250,000 and the funding is 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 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 *Joseph A. Lopez, et al. v. City of San Diego*, Superior Court Case Number GIC 869054.

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 *Mark Stiffler*  
for Mark Stiffler  
Deputy City Attorney

MS:gb  
11/16/06  
Or.Dept:CityAtty  
R-2007-583

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 *Elizabeth S. Maland*  
Deputy City Clerk

Approved: 12.15.06  
(date)

*Jerry Sanders*  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Passed by the Council of The City of San Diego on DEC - 5 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:

(Seal)

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

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

By *Debbie Swenson Cruz*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R-302172