

4/10

RESOLUTION NUMBER R- 302510

DATE OF FINAL PASSAGE APR 19 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING ADDITIONAL FUNDING FOR THE LAW FIRM OF MORGAN LEWIS & BOCKIUS FOR LEGAL SERVICES REGARDING THE SECURTIES AND EXCHANGE COMMISSION

WHEREAS, in September 2005, the then-City Manager, acting Deputy Mayor and members of the City Council determined to retain the law firm of Morgan Lewis & Bockius for the representation of the City of San Diego before the Securities and Exchange Commission [SEC] in relation to the investigation into the City's bond practices; and

WHEREAS, the City provided an allocation of \$250,000 to cover fees and expenses of the Morgan Lewis firm during the duration of the firm's representation; and

WHEREAS on November 14, 2006, the SEC issued findings and a cease-and-desist order to the City, and accepted the City's Offer of Settlement; and


WHEREAS the initial allocation of \$250,000 to cover Morgan Lewis' fees and expenses during its representation has proved insufficient; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that an additional \$200,000 is authorized for the payment of outside counsel expenses to the firm of Morgan Lewis & Bockius.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to allocate these expenditure across all funds using an allocation based upon the number of full time employees.

BE IT FURTHER RESOLVED, that the expenditure of these funds are hereby authorized, solely and exclusively for the purpose of providing funds for the above project.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Todd Bradley
Deputy City Attorney

AWS:mm:ai
11/20/06
AC2700549
Or.Dept:Atty
R-2007-600
MMS #4079

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 10 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4-19-07
(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 2700549

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 |
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| 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: Morgan Lewis & Bockius

Purpose: Authorizing the expenditure for outside counsel services to represent the City of San Diego before the SEC (City Bond Disclosure) and the appropriation and transfer in the amount of \$142,620 from the General Fund Unallocated Reserve to the Public Liability fund and to expend for the continuing services).

Date: February 12, 2007 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 | | | | | | | | | | |
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| TOTAL AMOUNT | | | | | | | | | | |

FUND OVERRIDE

AC 2700549

R 302510

APR 10 2007