

101 7/24

RESOLUTION NUMBER 302870

DATE OF FINAL PASSAGE AUG 0 1 2007

RETENTION OF KRISTINE WILKES OF LATHAM & WATKIN,
LLP FOR LEGAL SERVICES IN DEFENSE OF *LA JOLLA ALTA*
MASTER COUNCIL V. CITY OF SAN DIEGO

WHEREAS, the City Council authorized the City Attorney to seek outside expert legal counsel to provide legal services in connection with the defense of the litigation entitled *La Jolla Alta Master Council v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC822281; and

WHEREAS, after inquiring of the profession for such expertise, Kristine Wilkes of the law firm Latham & Watkins, LLP was determined to be one of the premiere law firms in this area of legal practice; and

WHEREAS, said firm has indicated its willingness and ability to provide such services under a retainer agreement;

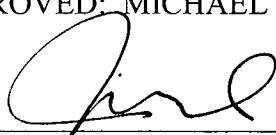
WHEREAS, in the Closed Session Meeting of February 27, 2007, in the matter of *La Jolla Alta Master Council v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC822281, the City Council voted 8 to 0 to authorize the execution of a retainer agreement with the law firm Latham & Watkins, LLP to provide legal services in connection with the defense of the aforementioned litigation. The motion was made by Council President Peters with a second by Councilmember Madaffer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of San Diego that the City Attorney be and he is hereby fully authorized to execute the retainer agreement with the law firm of Latham & Watkins, LLP pursuant to the terms and conditions of that retainer

agreement, dated Nov. 2, 2005; a copy of which is on file in the office of the City Clerk as Document No. RR- 301345, to serve as outside counsel in connection with the *La Jolla Alta* litigation.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller be and he is hereby authorized to transfer within the Public Liability Fund the sum of \$250,000 to provide funds for the above retainer agreement with Latham & Watkin, LLP and expend said funds as requested.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 

Jane M. Boardman
Deputy City Attorney

JMB:hm
07/09/07
Aud.Cert:
Or.Dept:

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego, at its meeting of JUL 24 2007.

ELIZABETH S. MALAND, City Clerk

By 

Deputy City Clerk

Approved: 8-1-07

(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 2700844

ORIGINATING

DEPT. NO.: 45

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: Authorize the execution of a retainer agreement with the law firm of Latham & Watkins, LLP to provide legal services in connection with the defense of La Jolla Alta Master Council v. City of San Diego. This amount is not to exceed \$250,000 from the Public Liability Fund for representation of the City by said firm.

Date: June 22, 2007

By: *Ram Waller* 6/21/07
 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	82240	3501	4141	811401				\$250,000.00
TOTAL AMOUNT										\$250,000.00

FUND OVERRIDE

AC 2700844

R. **302870**

JUL 24 2007