

207  
(R-2008-118)  
7/30/07

RESOLUTION NUMBER R- 302890

DATE OF FINAL PASSAGE AUG 03 2007

A RESOLUTION OF THE COUNCIL OF THE  
CITY OF SAN DIEGO AUTHORIZING ADDITIONAL  
FUNDS FOR OUTSIDE LEGAL COUNSEL FOR  
COUNCIL PRESIDENT SCOTT PETERS RELATING  
TO FINANCIAL AND DISCLOSURE ISSUES AND  
PENSION INVESTIGATIONS AND LITIGATION


WHEREAS, the Council of the City of San Diego previously authorized \$484,331.93 in total to pay for attorney's fees to the law firms of Sheppard Mullin Richter & Hampton, LLP to provide independent representation to Council President Scott Peters related to financial and disclosure issues and pension investigations and litigation including the pension-related litigation of *SDCERS v. Aguirre*, San Diego Superior Court Case No. GIC 841845; and

WHEREAS, these investigations by state and federal agencies are continuing; NOW,  
THEREFORE,

BE IT RESOLVED, that the Council authorizes the additional expenditure of an amount not to exceed \$204,000 for the purpose of paying attorney's fees incurred in Fiscal Year 2007 and 2008 for the representation of Council President Scott Peters related to the issues described above, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller shall be authorized to fund these expenditures from the funding sources identified in the cost allocation matrix and to expend these funds on outside counsel fees on behalf of Council President Peters.

MICHAEL J. AGUIRRE, City Attorney

By:   
Todd F. Bradley  
Deputy City Attorney

TFB:bas  
07/31/07  
Or.Dept:Mayor's Office  
AC  
AC  
R-2008-118  
MMS #5146

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 30 2007.

ELIZABETH S. MALAND  
City Clerk

By:   
Deputy City Clerk

Approved: 8-3-07  
(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 2800019

ORIGINATING

DEPT. NO.: 10

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: \$204,000.00

Vendor: N/A

Purpose: Authorize add'l funding for payment of outside legal counsel fees on behalf of Council President Scott Peters related to the proceedings of the ongoing financial investigations and pension related litigation. Also authorizes the Auditor & Comptroller to appropriate and expend \$204,000 for legal fees per the cost matrix.

Date: July 13, 2007 By: *Pam Wallert* 7/13/07

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					\$204,000.00
TOTAL AMOUNT										\$204,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2800019

*R* **302890**

JUL 30 2007

2007 FTE Allocation W/O MADS

Total Amount of invoice: \$204,000.00

Line	CY/ PY	Fund	Dept	Department Name	Org	Account	Job Order	Percentage	Amount	
001	0	81140	82240	Litigation Expense-Public Liability		4151	082240	70.87%	144,574.80	
002	0	41400	730	Golf Course	100	4151	002150	0.87%	1,774.80	
003	0	41200	750	Environmental Protection	1001	4151	001002	0.20%	408.00	
004	0	41200	751	Waste Reduction & Enforcement	1002	4151	001500	0.41%	836.40	
005	0	41200	752	Refuse Disposal	1000	4151	000110	0.81%	1,652.40	
006	0	41200	753	Resource Management	010	4151	002000	0.28%	571.20	
007	0	41200	754	Collection Services	020	4151	004229	0.08%	163.20	
008	0	41210	755	Waste Reduction & Enforcement	1002	4151	001500	0.19%	387.60	
009	0	41210	757	Collection Services	020	4151	004229	0.97%	1,978.80	
010	0	41210	758	Environmental Protection	010	4151	001001	0.06%	122.40	
011	0	41210	759	Resource Management	010	4151	002010	0.19%	387.60	
012	0	41500	760	Water	163	4151	000163	8.28%	16,891.20	
013	0	41506	776	MWWD-Administration	455	4151	776260	9.53%	19,441.20	
014	0	41100	720	Airports	2000	4151	001101	0.18%	367.20	
015	0	50050	850	ECP-Water & Sewer Design	2000	4151	085010	1.25%	2,550.00	
016	0	50050	5431	E&CP Water Wastewater Field Eng.	100	4151	543100	0.61%	1,244.40	
017	0	41300	1311	Develop. Services-Management	1100	4151	001110	0.04%	81.60	
018	0	41300	1312	Develop. Services-Support Services	1250	4151	000100	0.43%	877.20	
019	0	41300	1313	Develop. Services-Division of Building	1310	4151	001310	1.55%	3,162.00	
020	0	41300	1314	Develop. Services-Inform & Appl. Ser	1410	4151	001110	0.91%	1,856.40	
021	0	41300	1316	Develop. Services-Land Development	1610	4151	001110	1.41%	2,876.40	
022	0	41300	1317	Develop. Services-Project Mgmt	1720	4151	001110	0.88%	1,795.20	
									100.00%	204,000.00

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JUL 30 2007