


RESOLUTION NUMBER R- 302892

DATE OF FINAL PASSAGE AUG 03 2007

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to continue the retention of Latham & Watkins, LLP, for an additional amount not to exceed \$1,245,000, to provide legal services in *Otay Acquisition v. City*, SDSC Case No. GIC 753247; *National Enterprises v. City*, SDSC Case No. GIC 730011; *Border Business Park, Inc. v. City*, SDSC Case No. GIC 692794; and *Insurance Co. of the State of Pennsylvania, et al. v. City of San Diego*, USDC Case No. 02 CV 0693.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to expend an amount not to exceed \$1,245,000 from the Public Liability Fund, solely, and exclusively for the purpose of providing funds for the above described legal services, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that the funds necessary for expenditures are, or will be, on deposit in the City Treasury.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Karen A. Heumann  
Assistant City Attorney

KAH:als  
07/12/07  
Or.Dept:City Atty.  
Aud.Cert:2800023

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 *Mary Zumbaya*  
Deputy City Clerk

Approved: 8.3.07  
(date)

*JSL*  
JERRY SANDERS, Mayor

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

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

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2800023

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: \$1,245,000.00

Vendor: Latham & Watkins LLP

Purpose: Authorization for continued retention, pmt for invoices & future reserve funding for outside legal counsel to represent the City of San Diego in Otay Acquisition v. City, National Enterprises v. City, and Border Bus. Park v. City. Authorizes the City Auditor & Comptroller to expend monies from the Public Liability Fund for said services.

Date: July 12, 2007 By: *Pam Halbot* 7/12/07

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	81140	3501	4141	81141				\$1,245,000.00
TOTAL AMOUNT										\$1,245,000.00

FUND OVERRIDE

AC 2800023