

RESOLUTION NUMBER R-303830

DATE OF FINAL PASSAGE JUN 13 2008

A RESOLUTION AUTHORIZING THE MAYOR TO EXTEND THE AGREEMENT WITH BUTZ DUNN & DESANTIS APC IN AN ADDITIONAL AMOUNT UP TO \$750,000 TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE DEFENSE OF THE CITY IN LITIGATION FILED BY HOMEOWNERS IN THE VICINITY OF SOLEDAD MOUNTAIN ROAD AND DESERT VIEW DRIVE AND AUTHORIZING THE AUDITOR AND COMPTROLLER TO EXPEND RELATED FUNDS

WHEREAS, in the latter part of 2007, a sudden natural event occurred in the vicinity of Soledad Mountain Road and Desert View Drive, which resulted in significant damage to City infrastructure and private property; and

WHEREAS, numerous claims and several lawsuits have been filed against the City, outside counsel is recommended, and

WHEREAS, due to conflicts of interest and the defense of the aforementioned matters involve a highly specialized area of law; and

WHEREAS, the firm of Butz Dunn & DeSantis APC has the necessary skills and experience to assist the City in defense of this matter; and

WHEREAS, the Council of the City of San Diego in duly-noticed Closed Session on October 9, 2007, on a motion by Councilmember Madaffer and seconded by Council President Peters voted 5 to 2, with Councilmember Maienschein absent, to authorize the Mayor to retain outside counsel to represent the City; and

WHEREAS, the Council determined to authorize the Mayor to extend the agreement with Butz Dunn & DeSantis APC to assist the City in defense of this matter; NOW, THEREFORE,

(R-2008-1151)

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor is authorized to extend the agreement with Butz Dunn & DeSantis APC for the provision of legal services in defense of the City in litigation filed by homeowners in the vicinity of Soledad Mountain Road and Desert View Drive, in an additional amount not to exceed \$750,000, for a cumulative authorization of \$1,000,000.

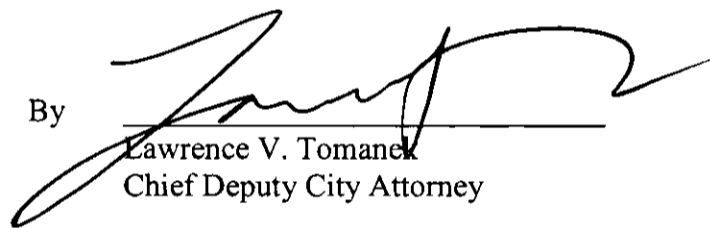
BE IT FURTHER RESOLVED, that the Auditor and Comptroller is authorized to allocate the cost of the agreement using the Fiscal Year 2008 FTE Cost Allocation Table.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller is authorized to expend up to \$739,000 from the Public Liability Fund.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller is authorized to expend up to \$261,000 from the Enterprise Funds.


APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Lawrence V. Tomanek
Chief Deputy City Attorney

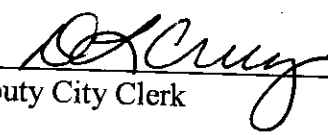
LVT:jdf
06/10/2008
Or.Dept:Risk Mgmt
R-2008-1151

 303830

(R-2008-1151)

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 10 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/13/08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R 303830

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

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2800804
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: \$1,000,000.00

Vendor: Butz Dunn & DeSantis

Purpose: Authorize the Mayor to execute a contract with above vendor for an amount not to exceed \$1,000,000 related to litigation filed by homeowners in the vicinity of Soledad Mountain Road and Desert View Drive. Authorize the City Comptroller to appropriate and expend \$1,000,000, as reflected on the FTE allocation schedule to fund the contract.

Date: May 20, 2008 By: *Pam Halbert* 5/20/08
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						\$1,000,000.00
TOTAL AMOUNT											\$1,000,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

L. 303830

JUN 10 2008

AC 2800804