

RESOLUTION NUMBER R- 303845

DATE OF FINAL PASSAGE JUN 24 2008

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO AN AGREEMENT WITH LATHAM & WATKINS LLP IN AN AMOUNT UP TO \$675,000 TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE DEFENSE OF AFCSME LOCAL 127 AND SAN DIEGO MUNICIPAL EMPLOYEES' ASSOCIATION VS. CITY OF SAN DIEGO, PUBLIC EMPLOYMENT RELATIONS BOARD AND AUTHORIZING THE AUDITOR AND COMPTROLLER TO EXPEND RELATED FUNDS

WHEREAS, In February 2007, AFCSME Local 127 [Local 127] filed an unfair practice charge with the Public Employment Relations Board [PERB], Case No. LA-CE-352-M, the San Diego Municipal Employees' Association [MEA] subsequently joined in the complaint, challenging the implementing ordinances for two charter amendments – Proposition B, voter approval required for pension increases and Proposition C, managed competition for certain City services – passed in the November 2006 elections; and

WHEREAS, the defense of the aforementioned case involves a highly specialized area of law; and

WHEREAS, the firm of Latham & Watkins LLP 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 has been briefed on the status of this matter in duly-noticed Closed Sessions on March 6, 2007, September 4, 2007, and January 22, 2008; and

WHEREAS, the Council determined to retain Latham & Watkins to assist the Mayor and the City Attorney in defense of this matter; NOW, THEREFORE,

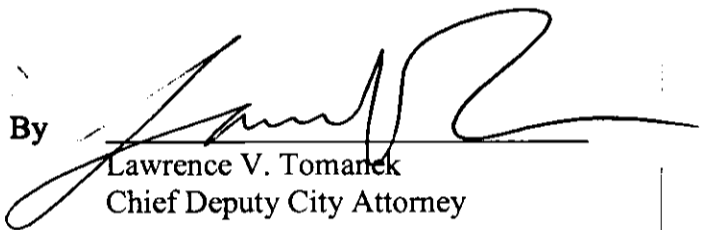
BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to retain Latham & Watkins LLP for the provision of legal services in *AFCSME Local 127 and San Diego Municipal Employees' Association vs. City of San Diego*, Case No. LA-CE-352-M, in an amount not to exceed \$675,000.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller is authorized 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 \$498,825 from the Public Liability Fund on this matter.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller is authorized to expend up to \$176,175 from the Enterprise Funds.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Lawrence V. Tomanek
Chief Deputy City Attorney

LVT:jdf
03/28/2008
04/15/08.COR.Copy
Or.Dept:CITY ATTY
R-2008-844

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 17 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6-24-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

000241

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2800676
 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: \$675,000.00

Vendor: Latham & Watkins, LLP

Purpose: Approve the Resolution to authorize the City Attorney to execute an agreement for employment of law legal services as Outside Counsel for the sole purpose of representing the City in AFCSME Local 127 and SD MEA vs. City of SD, PERB. Authorize the Comptroller to allocate the cost based on the FTE table, and to expend an amount not to exceed \$675,000.

Date: March 28, 2008 By: *Pam Halbut* 3/28/08
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								\$675,000.00
TOTAL AMOUNT											\$675,000.00

AC-381 (REV 2-92)

FUND OVERRIDE

JUN 17 2008

R 303845

AC 2800676

2008 FTE Allocation W/O MADS

Total Amount of AC/DP/Invoice: **\$ 675,000.00**

Line	CY/PY	Fund	Dept	Department Name	Org	Account	Job Order	Percentage	Amount
001	0	81140	82240	Public Liability		4151		73.90%	498,825.00
002	0	41400	730	Golf Course	100	4151	002150	0.89%	6,007.50
003	0	41200	750	Environmental Protection	1001	4151	001002	0.07%	472.50
004	0	41200	751	Waste Reduction & Enforcement	1002	4151	001500	0.35%	2,362.50
005	0	41200	752	Refuse Disposal	1000	4151	000110	0.77%	5,197.50
006	0	41200	753	Resource Management	010	4151	002000	0.16%	1,080.00
007	0	41200	754	Collection Services	020	4151	004229	0.08%	540.00
008	0	41210	755	Waste Reduction & Enforcement	1002	4151	001500	0.15%	1,012.50
009	0	41210	757	Collection Services	020	4151	004229	0.98%	6,615.00
010	0	41210	758	Environmental Protection	010	4151	001001	0.03%	202.50
011	0	41210	759	Resource Management	010	4151	002010	0.12%	810.00
012	0	41500	760	Water	163	4151	000163	7.91%	53,392.50
013	0	41506	776	MWWD-Administration	795	4151	776260	8.51%	57,442.50
014	0	41100	720	Airports	2000	4151	001101	0.18%	1,215.00
015	0	50050	850	ECP-Water & Sewer Design	2000	4151	085010	1.12%	7,560.00
016	0	50050	5431	E&CP Water Wastewater Field Eng.	100	4151	543100	0.42%	2,835.00
017	0	41300	1300	Developmental Service Enterprise	1111	4151	001110	4.36%	29,430.00
TOTAL								100.00%	675,000.00

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