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RESOLUTION NUMBER R- 303929

DATE OF FINAL PASSAGE JUL 29 2008

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTINUE THE AGREEMENT WITH LATHAM & WATKINS IN AN AMOUNT UP TO \$100,000 AND WITH WORLEY SCHWARTZ GARFIELD & PRAIRIE LLP IN AN AMOUNT UP TO \$20,000 TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE DEFENSE OF THE CITY IN THE CASE OF THE *PEOPLE OF THE STATE OF CALIFORNIA AND THE CITY OF SAN DIEGO V. SUNROAD CENTRUM, L.P., SAN DIEGO SUPERIOR COURT CASE NO. GIC 877054* AND AUTHORIZING THE CITY COMPTROLLER TO EXPEND RELATED FUNDS.

WHEREAS, the City of San Diego [City] previously retained the firm of Latham & Watkins to provide litigation and legal advisory in connection with the defense of the City in the case of *The People of the State of California and the City of San Diego v. Sunroad Centrum, L.P.*, San Diego Superior Court Case No. GIC877054; and

WHEREAS, the City previously retained the firm of Worley Schwartz Garfield & Prairie LLP (formerly known as Stephenson Worley Garratt Schwartz Garfield & Prairie [Worley Schwartz] to represent the separate interests of two former city employees; and

WHEREAS, Latham & Watkins and Worley Schwartz have provided the legal support services requested by the City on an ongoing basis; and

WHEREAS, The City Council on February 5, 2008, voted in Closed Session on Item CS-2, *City of San Diego v. Sunroad Enterprises, et al.*, San Diego Superior Court Case No. GIC 877054, additional authority for outside counsel (\$100,000 for Latham & Watkins and \$20,000 for Worley Schwartz). The motion was made by Councilmember Frye and the second by Council President Pro Tem Madaffer. The motion passed 7 to 0 with Councilmember Hueso absent; NOW THEREFORE,

(R-2009-17)

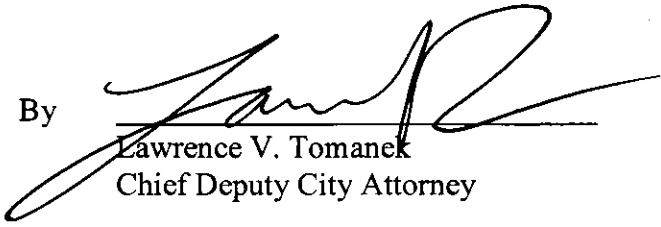
BE IT RESOLVED, that the Council authorizes the continued retention of Latham & Watkins and authorizes the expenditure of an amount not to exceed \$100,000 for paying attorney's fees as described above.

BE IT RESOLVED, that the Council authorizes the continued retention of Worley Schwartz and authorizes the expenditure of an amount not to exceed \$20,000 for paying attorney's fees as described above.

BE IT FURTHER RESOLVED, that the Council authorizes the City Comptroller to allocate and expend \$120,000 from the Public Liability Fund.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Lawrence V. Tomanek
Chief Deputy City Attorney

LVT:ca
July 2, 2008
Audit. Cert.: AC 2800924
Or.Dept: City Attorney
R-2009-17

(R-2009-17)

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 15 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-24-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2800924
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: \$120,000.00

Vendor: Latham & Watkins, LLP

Purpose: Authorize the continued retention of Latham & Watkins and Worley Schwartz, as co-counsel, to defend the case of the City of San Diego v. Sunroad Enterprises. Authorize the City Comptroller to expend up to \$120,000 from the Public Liability Fund for the coverage of L&M (\$100k) and W. Schwartz (\$20k) for legal fees and costs related to this matter.

Date: June 26, 2008 By: *Pam Halbur* 6/26/08
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		4141	082240				\$120,000.00	
TOTAL AMOUNT											\$120,000.00

AC-381 (REV 2-92)

FUND OVERRIDE

AC 2800924

R 303929

JUL 15 2008