

RESOLUTION NUMBER R- 303996

DATE OF FINAL PASSAGE AUG 06 2008

A RESOLUTION OF THE CITY OF SAN DIEGO
AUTHORIZING THE RETENTION OF LATHAM & WATKINS
FOR THE PURPOSES OF LITIGATION REGARDING
SCOTTSDALE INSURANCE AS IT RELATES TO DE ANZA
COVE LITIGATION AND AUTHORIZING THE CITY
COMPTROLLER TO EXPEND RELATED FUNDS

WHEREAS, this insurance lawsuit arises out of Scottsdale Insurance's payment of legal defense costs in the action entitled *Scottsdale Insurance Company v. City of San Diego dba: Mission Bay Mobile Home Park*, San Diego Superior Court Case No. 37-2008-00083941-CU-IC-CTL. Scottsdale Insurance seeks reimbursement of fees and costs paid in that matter, stating it had no coverage obligations after certain rulings by the Superior Court in that action; 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

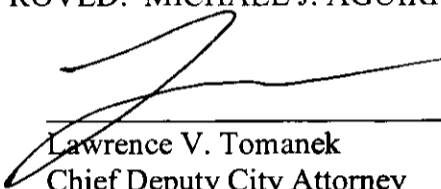
WHEREAS, the Council of the City of San Diego has been briefed on the status of this matter in duly-noticed Closed Session on June 24, 2008, the City Council voted on Item CS-3, authorizing \$100,000 to defend the case *Scottsdale Insurance Company v. City of San Diego dba: Mission Bay Mobile Home Park*, San Diego Superior Court Case No. 37-2008-00083941-CU-IC-CTL. The motion was made by Councilmember Frye and seconded by Councilmember Atkins. The motion passed 7 to 0 with Councilmember Young absent; and

WHEREAS, the Council determined to retain Latham & Watkins to assist 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 *Scottsdale Insurance Company v. City of San Diego dba: Mission Bay Mobile Home Park*, San Diego Superior Court Case No. 37-2008-00083941-CU-IC-CTL, in an amount not to exceed \$100,000.

BE IT FURTHER RESOLVED, that the Comptroller is authorized to expend up to \$100,000 from the Public Liability Fund on this matter.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Lawrence V. Tomanek
Chief Deputy City Attorney

LVT:ca
07/16/2008
Aud. Cert.: AC 2900044
Or.Dept:CITY ATTY
R-2008-1175

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 29 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 8-6-08
(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 2900044
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

REC'D
7 17
CITY OF SAN DIEGO

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: \$100,000.00

Vendor: Latham & Watkins

Purpose: Authorize \$100,000 for retention agreement for outside counsel in the defense of the City in the case of Scottsdale Insurance v. City of San Diego. Authorize the City Comptroller to appropriate and expend up to \$100,000 from the Public Liability Fund for the coverage of legal fees and costs related to this matter.

Date: July 16, 2008 By: *Pam Hallist*
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	081141					\$100,000.00
TOTAL AMOUNT											\$100,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2900044

R 303996

JUL 29 2008