

RESOLUTION NUMBER R- 304214
DATE OF FINAL PASSAGE OCT 10 2008

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A CONTRACT WITH PAUL PLEVIN SULLIVAN & CONNAUGHTON, LLP FOR OUTSIDE COUNSEL SERVICES TO PROVIDE LEGAL SERVICES FOR THE CASE AMY LEPINE V. MICHAEL AGUIRRE & CITY OF SAN DIEGO AND AUTHORIZES THE CITY COMPTROLLER TO EXPEND RELATED FUNDS.

WHEREAS, on or about March 26, 2007, Amy Lepine filed a complaint for wrongful constructive termination in San Diego County Superior Court. The City needed outside legal counsel to represent the City in the case titled *Lepine v. Aguirre and City of San Diego*. Outside legal counsel was necessary because Amy Lepine is a former Deputy City Attorney and the complaint arises out of the actions allegedly taken by the City Attorney's Office and The City of San Diego.

WHEREAS, Paul Plevin Sullivan & Connaughton, LLP, had been identified as the firm best able to provide the necessary services within the required time frame;

WHEREAS, On May 12, 2008, the City Council in Closed Session, Item CS-2, heard a settlement offer by the Plaintiff. Upon motion by Council President Pro Tem Madaffer and second by Councilmember Hueso, the motion passed 6 to 0 with Councilmembers Young and Maienschein absent, to reject the settlement offer.

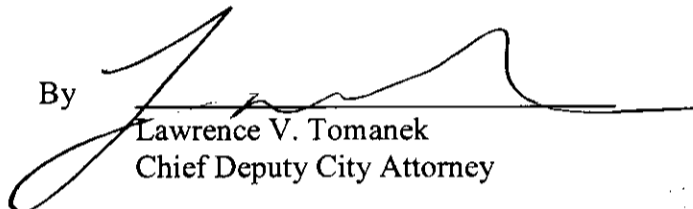
WHEREAS, On September 9, 2009, the City Council in Closed Session, Item CS-9 Council heard update of the case and a motion for the retention of outside counsel. The motion was made by Council President Pro Tem Madaffer and the second by Councilmember Faulconer. The motion passed 7 to 1, with Council Member Hueso voting no.

WHEREAS, Amy Lepine dismissed the case with prejudice on July 11, 2008; NOW,
THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to enter into a contract with Paul Plevin Sullivan & Connaughton, LLP, for outside counsel services for an amount not to exceed \$69,768.88.

BE IT FURTHER RESOLVED, that the City Comptroller is authorized to expend up to \$69,768.88 to be paid from the Public Liability Fund.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Lawrence V. Tomanek
Chief Deputy City Attorney

LVT:ca
9/16/08
Aud. Cert.: AC #2900097
Or.Dept:City Attorney
R-2009-334

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 07 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10-10-08
(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 2900097
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: \$69,768.88

Vendor: Paul Plevin Sullivan & Connaughton, LLP

Purpose: Authorize the City Attorney to enter into a contract with above stated vendor for outside counsel services in the amount not to exceed \$69,768.88 for the case of Amy Lepine v. Michael Aguirre & City of San Diego.
Authorize the City Comptroller to expend the full amount from the Public Liability Fund (81140).

Date: August 5, 2008 By: *Pam Hall* 8/5/08
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	81140	3501	4141	081141				\$69,768.88
TOTAL AMOUNT										\$69,768.88

FUND OVERRIDE

AC-361 (REV 2-92)

304214

OCT 07 2008

AC 2900097