

RESOLUTION NUMBER R- 304385  
DATE OF FINAL PASSAGE DEC 2 2008

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTINUE AN AGREEMENT WITH SULLIVAN HILL LEWIN REZ & ENGEL, A PROFESSIONAL LAW CORPORATION FOR SERVICES IN THE MATTER ENTITLED *JANET M. WOOD V. CITY OF SAN DIEGO*, U.S. DISTRICT COURT NO. 03CV1910, AND AUTHORIZING THE COMPTROLLER TO EXPEND RELATED FUNDS.

WHEREAS, in September 2003 Janet M. Wood sued the City of San Diego as a representative class, Plaintiff claiming women and unmarried retirees receive less pension benefit than others. City prevailed in District Court by summary judgment motion.

WHEREAS, Plaintiff appealed and the Ninth Circuit Court of Appeals reversed and remanded back to the District Court in September 2007.


WHEREAS, On September 16, 2008, the City Council voted in Closed Session on Item CS-3, *Janet Wood v City*, Federal District Court Case No. 03 CV 1910, approving the litigation strategy and to authorize the continued retention of outside counsel. The motion was made by Council President Peters and the second by Council President Pro Tem Madaffer. The motion passed 8 to 0.

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to continue the retention of Sullivan Hill Lewin Rez & Engel, A Professional Law Corporation for outside counsel services for an additional amount not to exceed \$100,000 to

defend any and all claims in *Janet M. Wood v City of San Diego*.

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Lawrence V. Tomanek  
Chief Deputy City Attorney

LVT:ca  
10/16/08  
Aud. Cert.: AC #2900306  
Or.Dept:ATTY  
R-2009-483

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 18 2008.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12-2-08  
(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 2900306  
 DEPT. \_\_\_\_\_  
 NO: 045

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: \$100,000.00

Vendor: Sullivan Hill Lewin Rez & Engel, A Professional Law Corporation

Purpose: Authorize the continued retention of outside counsel in the defense of the City in the case of Janet M. Wood v. City of San Diego, US District Court Case No. 03CV1910. Authorize the City Comptroller to expend \$100,000 from the Public Liability Fund (81140) for legal fees and costs related to this matter.

Date: October 15, 2008 By: *Pam Halbur* 10/15/08  
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					\$100,000.00
TOTAL AMOUNT											\$100,000.00

FUND OVERRIDE

*R.* 304385

NOV 18 2008

AC 2900306