

RESOLUTION NUMBER R- 304386
DATE OF FINAL PASSAGE DEC 2 2008

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO AN AGREEMENT WITH PAUL PLEVIN SULLIVAN & CONNAUGHTON, LLP IN AN AMOUNT UP TO \$100,000 TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE DEFENSE OF *JACQUELINE LINDSAY V. OFFICE OF THE CITY ATTORNEY, CITY OF SAN DIEGO, ET AL.*, AND AUTHORIZING THE COMPTROLLER TO EXPEND RELATED FUNDS.

WHEREAS, on or about February 28, 2007, Jacqueline Lindsay filed a claim with Risk Management for harassment, discrimination, worker's compensation, and disability claims.

WHEREAS, Ms. Lindsay also filed a Writ for denial of long-term disability benefits and industrial leave. Outside legal counsel is necessary because Jacqueline Lindsay is a former Deputy City Attorney and the claims arise out of the actions allegedly taken by the City Attorney's Office; and

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

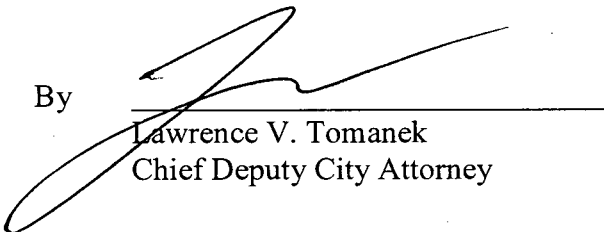
WHEREAS, On September 16, 2008, the City Council voted in Closed Session on Item CS-4, *Jacqueline Lindsay v. Office of the City Attorney and City on San Diego, et al.*, San Diego Superior Court Case No. 881910, to authorize the litigation strategy and to the retention of Paul Plevin Sullivan & Connaughton, LLP in this matter. The motion was made by Council President Peters and the second by Council President Pro Tem Madaffer. The motion passed unanimously 8-0.

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to retain Paul Plevin Sullivan & Connaughton, LLP for the legal services in *Jacqueline Lindsay v. City of San Diego* in an amount not to exceed \$100,000. Non conflicted employees in the City Attorney's Office shall monitor and direct the firm's work.

BE IT FURTHER RESOLVED, the 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# 2900307
Or.Dept:ATTY
R-2009-484

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 2900307
 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: 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 \$100,000 for the case Jacqueline Lindsay vs. City of San Diego. Authorize the City Comptroller to expend up to \$100,000 from the Public Liability Fund (81140).

Date: October 15, 2008 By: *Pam Waller* 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. **304386**

NOV 18 2008

AC 2900307