

RESOLUTION NUMBER R- 304387

DATE OF FINAL PASSAGE DEC 2 2008

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO A CONTRACT WITH WOOD, SMITH, HENNING & BERMAN, LLP FOR CO-COUNSEL SERVICES TO PROVIDE LEGAL SERVICES FOR THE DEFENSE SERVICES IN THE MATTER ENTITLED *BUN BUN TRAN, ET AL. V. CITY OF SAN DIEGO, ET AL* AND AUTHORIZES THE CITY COMPTROLLER TO EXPEND RELATED FUNDS.

WHEREAS, Plaintiff alleges he sustained injuries as a result of a traffic accident at an intersection, wherein existed a dangerous condition; and

WHEREAS, the City's insurance carrier requested that the City add co-counsel to try the case; and

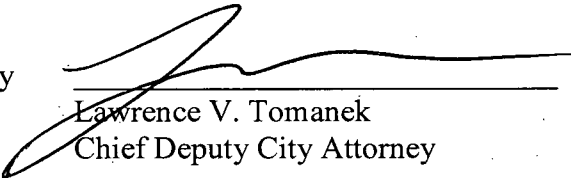
WHEREAS, the firm of Wood, Smith, Henning and Berman, LLP has the necessary skills and experience to assist the City in defense of this matter; and

WHEREAS, in the Closed Session Meeting of September 9, 2008 on Item CS-1, the City Council approved the case strategy and authorized retention of outside council. The motion was made by Council President Peters and the second by Council President Pro Tem Madaffer. The motion passed unanimously 8 to 0; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized retain Wood, Smith, Henning & Berman, LLP for the provision of legal services in *Bun Bun Tran, et al v. City of San Diego, et al*, San Diego Superior Court Case No. 37-2007-00065432-CU-PA-CTL.

BE IT FURTHER RESOLVED, that the Comptroller is authorized to expend up to \$500,000 from the Public Liability Fund on this matter.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Lawrence V. Tomanek
Chief Deputy City Attorney

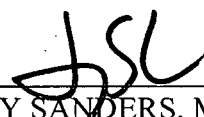
LVT:ca
10/16/08
Aud. Cert.: AC #2900309
Or.Dept:City Attorney
R-2009-485

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: 11-2-08
(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 2900309
 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: \$500,000.00

Vendor: Wood, Smith, Henning & Berman, LLP

Purpose: Authorize a retention agreement with above stated vendor for outside counsel services in the defense of the City in the case of Bun Bun Tran vs. City of San Diego. Authorize the City Comptroller to expend up to \$500,000 from the Public Liability Fund (81140) for legal fees and costs related to this matter.

Date: October 15, 2008 By: *Pam Hallbert 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					\$500,000.00
TOTAL AMOUNT											\$500,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

R 304387

NOV 18 2008

AC 2900309