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(O-2009-125)

ORDINANCE NUMBER O- 19864 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 28 2009

AN ORDINANCE OF THE CITY OF SAN DIEGO AUTHORIZING
A MEMORANDUM BETWEEN THE CITY AND COUNTY OF
SAN DIEGO RELATING TO THE MUTUAL ASSISTANCE OF
LEGAL SERVICES

WHEREAS, the City and County are in need of on-going legal services to support the administration, operation, and management of their respective local government functions, duties and responsibilities; and

WHEREAS, the Offices of the City Attorney and County Counsel, from time to time, may be precluded from providing such legal services due to the California Rules of Professional Conduct governing conflicts of interest; and

WHEREAS, the City or County may be in need of specialized legal services that are not possessed by its own respective legal department, but which are possessed by the other entity's legal department; and

WHEREAS, it would be more economic and efficient, and would further the interests of taxpayers, if the City and the County were to utilize the legal services of each entity's legal department without charge, in lieu of contracting out for private counsel legal services, if such legal services cannot be provided by either the City Attorney's Office or the County Counsel's Office due to a conflict of interest or lack of special expertise; and

WHEREAS, the provisions of San Diego Charter section 40 do not preclude the City of San Diego from utilizing other Counsel due to a conflict of interest or lack of special expertise; and

WHEREAS, the City Attorney and County Counsel will enter into specific agreements relating to the provision of legal services, to be determined on a case-by-case basis, and in accordance with the applicable laws of each jurisdiction, if either the City Attorney's Office or the County Counsel's Office: (a) is precluded, due to a conflict of interest, from providing the necessary legal services to its client, or (b) does not possess the special expertise that is required to provide the necessary legal services, which special expertise is possessed by the other Office; NOW, THEREFORE

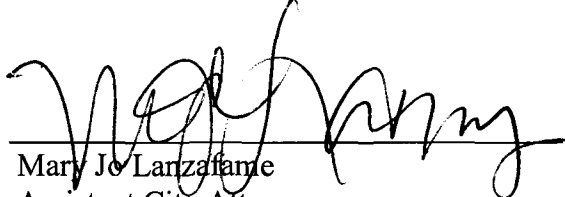
BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the City Attorney is authorized to execute, for and on behalf of the City, a Memorandum of Understanding relating to the provision of legal services, under the terms and conditions set forth in the Memorandum of Understanding, on file with the City Clerk as Document No. OO- 19864.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of passage.

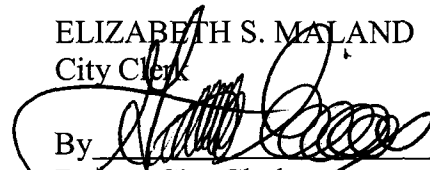
Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Mary Jo Larzafame
Assistant City Attorney

MJL:jab
04/09/2009
Or.Dept: City Atty.
O-2009-125

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 19 2009.

ELIZABETH S. MALAND
City Clerk
By 
Deputy City Clerk

Approved: 5-28-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor