

\$ 500

(R-2010-190)

RESOLUTION NUMBER R- 305272  
DATE OF FINAL PASSAGE OCT 1 2009

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO  
RETAIN SCHWARTZ SEMERDJIAN HAILE BALLARD &  
CAULEY LLP TO PROVIDE LEGAL SERVICES IN THE  
*SECURITIES AND EXCHANGE COMMISSION V. MICHAEL T.*  
*UBERUAGA, ET AL.*, UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT CASE NO. 08CV00625DMS

WHEREAS, the City has been ordered by the court in *Frazier Patricia, et al., v. City of San Diego*, San Diego Superior Court Case No. 37-2008-000091840, to provide a defense to former City employees named as defendants in the case entitled *Securities and Exchange Commission v. Michael T. Uberuaga, et al.*, United States District Court, Southern District Case No. 08CV00625DMS; and

WHEREAS, the City Attorney has determined that due to workload within the Office, the use of outside counsel is necessary; and

WHEREAS, the City Attorney is recommending the retention of the firm of Schwartz Semerdjian Haile Ballard & Cauley LLP., which has the necessary skills and experience to assist the City in this matter; and

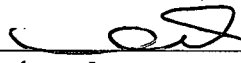
WHEREAS, the Council of the City of San Diego has been briefed on the status of this matter in a duly-noticed Closed Session meeting on September 15, 2009; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to enter into an agreement with Schwartz Semerdjian Haile Ballard & Cauley LLP. for legal services in the *Securities and Exchange Commission v. Michael T. Uberuaga, et al.*, United States District Court Southern District Case No. 08CV00625DMS, in an amount not to exceed \$250,000.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend up to \$250,000 from the Citywide Fiscal Year 2010 FTE Cost Allocation.

BE IT FURTHER RESOLVED, that the City Attorney will return to the City Council, for further authorization, if additional funds are required to fulfill the scope of work required by Schwartz Semerdjian Haile Ballard & Cauley LLP.

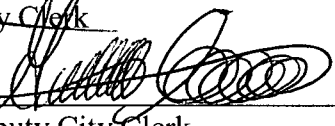
APPROVED: JAN I. GOLDSMITH, City Attorney

By  \_\_\_\_\_  
Andrew Jones  
Assistant City Attorney

MJL:jab  
09/18/2009  
Or.Dept: ATTY  
R-2010-190

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 22 2009

ELIZABETH S. MALAND  
City Clerk

By  \_\_\_\_\_  
Deputy City Clerk

Approved: 10-1-09  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor