

RESOLUTION NUMBER R- 305517  
DATE OF FINAL PASSAGE JAN 08 2010

A RESOLUTION AUTHORIZING THE MAYOR TO INCREASE THE CONTRACT AMOUNT WITH THE FIRM OF BUTZ DUNN & DESANTIS, APC BY \$800,000 IN CONNECTION WITH LEGAL SERVICES PROVIDED IN THE DEFENSE OF SOLEDAD MOUNTAIN.

WHEREAS, homeowners in the Soledad Mountain Road and Desert View Drive vicinity brought legal action against the City of San Diego, which resulted in damage to City and private property; and

WHEREAS, on October 9, 2007, the City Council authorized the Mayor to retain outside legal counsel to represent the City in regard to said claims and suits; and

WHEREAS, the City entered into a contract with the law firm of Butz Dunn & DeSantis, APC; and


WHEREAS, a defense verdict was obtained on behalf of the City at trial on October 1, 2009, but at a higher than anticipated cost, and there remain ongoing legal matters to be closed out at an additional expense; 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 October 13, 2009; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized to continue the agreement with Butz, Dunn & DeSantis for the provision of legal services in the Mount Soledad litigation in an amount not to exceed \$6,800,000. ✓

BE IT FURTHER RESOLVED, that the Chief Financial Officer, as delegated to Financial Management is authorized to appropriate, and the City Comptroller is authorized to expend an amount not to exceed \$6,800,000, applying the FY2010 FTE allocation table.


APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Catherine A. Richardson  
Deputy City Attorney


CAR:bas:amt  
12/01/09  
Or.Dept:RISK  
R-2010-416

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 5 2010.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 1-8-10  
(date)

  
JERRY SANDERS, Mayor

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

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JERRY SANDERS, Mayor